

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27099 of 2019

Arising Out of PS. Case No.-389 Year-2018 Thana- BAJPATI District- Sitamarhi

1. Nandan Yadav @ Nandan Rai, Son of Chhedi Yadav Resident of Village - Bhadiyan, P.S.- Nanpur, Distt - Sitamarhi.
2. Chetan Rai, Son of Suri Yadav, Resident of Village - Bhadiyan, P.S.- Nanpur, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 25-04-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bajpatti P.S. Case No. 389 of 2018 registered under Sections 341, 324, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that at about 9 p.m. on 11.10.2018 , Sanjay Sahni, husband of the informant, moved from his house as he was doing the job at the motorcycle agency. In the way, Ramesh Rai, Nandan Yadav (petitioner no.1), Rakesh Rai, Munna Rai, Chetan Rai (petitioner no. 2) and Ajay Rai surrounded the husband of the informant and carried him at the



house of Sarpanch, Bhupnarayan Mishra and caused grievous injury. Thereafter, her husband rushed for treatment at Sitamarhi Sadar Hospital, where her husband was referred to Darbhanga Hospital for better treatment. While informant informed to the police on telephone but she was suggested to first get the treatment of her husband.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that while occurrence is said to be taken in the morning on 11.10.2018 but the present F.I.R. has been lodged on 29.12.2018 giving unreasonable explanation. Moreover, while the case diary was called for at the time of disposal of the anticipatory bail of the petitioners in the court of Additional Sessions Judge-VI, Sitamarhi, but the injury report was not mentioned in the case diary. Further submission is that no specific overt act has been attributed against the petitioners and both petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Pupri,



Sitamarhi, in connection with Bajpatti P.S. Case No. 389 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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