

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29370 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- MADHUBAN District- East Champaran

1. HARENDRA RAI Son of Late Jagdish Rai, Resident of Village - Dulma, P.S.- Madhuban, Dist.- East Champaran.
2. Wakil Rai Son of Late jai Kishun Rai, Resident of Village - Dulma, P.S.- Madhuban, Dist.- East Champaran.
3. Sukendra Rai @ Sukindra Rai, Son of Late Jai Kishun Rai Resident of Village - Dulma, P.S.- Madhuban, Dist.- East Champaran.
4. Manoj Rai Son of Late Jai Kishun Rai Resident of Village - Dulma, P.S.- Madhuban, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma
For the Informant	:	Mr. Dhananjay Kumar No. 2
For the State	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Madhuban Police Station Case No. 10 of 2019, disclosing offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

It appears from the First Information Report that the occurrence had taken place because of land dispute between the parties. Allegedly, the persons named in the First Information



Report wanted to construct a house over the land of the informant. There is allegation against all the persons named in the First Information Report of assault.

Learned counsel, appearing on behalf of the informant, has submitted that since some of the injuries have been found to be grievous in nature, the petitioners do not deserve the privilege of anticipatory bail.

It is alleged in the First Information Report that the petitioner no. 4 inflicted with fatha blow on the informant's brother Lakhindra Rai, causing injury in his right hand. Others also have received injuries, as alleged in the First Information Report. It is also alleged that the co-accused Ramesh Rai had taken away an amount of Rs. 81,000/- from the pocket of informant's son in course of occurrence.

Considering the nature of accusation, in my view, a case for grant of anticipatory bail is made out.

This application is, accordingly, allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari,



District-East Champaran, in connection with Madhuban Police Station Case No. 10 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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