

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56704 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- PAKRIDAYAL District- East Champaran

1. Sindheshwar Rai @ Sumeshwar Rai
2. Lalbabu Rai, Both S/o Ramadhar Rai, R/o Vill.- Majhauriya, P.S.- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6. 21-01-2019 Heard learned counsel for the petitioners. No one appears on behalf of the State to oppose the anticipatory bail application.

The petitioners are seeking anticipatory bail in connection with Pakridayal P.S. Case No. 91 of 2018 registered under Sections 147, 149, 341, 323, 324, 307, 379, 506 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that earlier vide order dated 22.11.2018 while calling for the case diary, learned coordinate Bench of this court had taken note of the submissions of the learned counsel that the allegation against petitioner no. 1 is that he had assaulted the victim by iron rod but the injury report indicates that the injury has been caused by sharp edged weapon.

Today, learned counsel points out that in paragraph-15 of the case diary the injury report has been reproduced. A perusal thereof would show that there were three injuries on the body of the victim and all of them are said to be simple. The two injuries thereon are in the nature of incised wound which could



not have been caused by iron rod.

In the given facts and circumstances of the case taking note of the injury report present in the case diary, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – V, East Champaran, in connection with Pakridayal P.S. Case No. 91 of 2018, subject to condition that petitioners will join investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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