

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63270 of 2018

Arising Out of PS. Case No.-274 Year-2018 Thana- DAUDNAGAR District- Aurangabad

1. Ram Pravesh Rajbanshi,
2. Rambali Rajbanshi,
Both son of Late Rajdeo Rajbanshi, Resident of Village- Anchha Tola,
Thakur Bigha, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Sri Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323 and 307/34 of the Indian Penal Code.

The prosecution case as per the written report of Nanhak Rajbanshi submitted to the Station House Officer of Daudnagar Police Station is to the effect that on 08.07.2018 at 6.00 A.M. he had gone to ease out, in the meantime, the petitioners assaulted the informant with iron rod and lathi, when the son of the informant, Ram Rajbanshi came to rescue, the accused persons fled away. Thereafter, the son of the informant



took the informant to Government Hospital, thereafter he was referred to Gaya Medical College and thereafter, he again was referred PMCH, Patna.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute, the accusation has been levelled. In fact, on 08.07.2018 when sister-in-law of the informant went to attend call of nature, the son of the informant tried to commit rape and on protest being made, the petitioners were brutally assaulted. Petitioner no. 1 was assaulted with the belt of the informant, as a result, petitioner no. 1 lost his vision, consequently, petitioner no. 1 filed Complaint Case No. 299 of 2018. However, learned counsel for the petitioners submits that he is not aware whether any process has been issued after cognizance being taken in the complaint case. It is further submitted that for the occurrence of 08.07.2018, the FIR was registered on 29.07.2018. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP after going through the case diary submits that the accusation is specific against the petitioners. However, injury report contained in the case diary suggests that



a lacerated wound of marginal size on left occipital region and abrasion of marginal size on right occipital region have been found when the informant was referred to ANMCH, Gaya for CT Scan. Though, the discharge cum referring slip of ANMCH has been brought on record which suggests contusion in right parietal region and the injured was referred to PMCH, Patana.

Considering the delayed lodging of the case, only two injuries, i.e., one lacerated and one abrasion of marginal size have been found which does not suggest that the petitioners repeated the blow, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail **provisionally for two months** in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Daudnagar (Aurangabad) in connection with Daudnagar P.S. Case No. 274 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will be



confirmed by the learned Court below, if the learned Court below comes to a conclusion that the informant has not received grievous injury but if it is found that the informant has received grievous injury then in that circumstance, the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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