

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41099 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- DORIGANJ District- Saran

Nipendra Rai, Son of Late Sukhdeo Rai Resident of Village - Mahrauli, P.S.-
Doriganj, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Doriganj P.S. Case No.68 of 2019, for the offence punishable
under Sections 341, 323, 427, 307, 279 of the Indian Penal
Code.

The allegation against the petitioner is that on the date
of occurrence while the informant was on his way by his
Scorpio vehicle bearing Reg. No.BR-04Q-9191, petitioner
attacked the Scorpio by his truck bearing Reg. No.BR-04-GA-
4191 from behind with an intention to kill the informant.

Learned counsel for the petitioner submits that both
the parties are full brothers inasmuch as informant is the elder
brother of the petitioner and has falsely been implicated in this



case with oblique motive. He further submits that from perusal of Annexure-2, which is injury report of the informant, it appears that the injury caused to the informant was examined by the doctor on 08.04.2011 whereas informant, in First Information Report, has alleged that the accident had taken place in night of 07.04.2019 and public assembled there had taken him to the hospital on 07.04.2019. Accordingly, he submits that the allegation made in the F.I.R. is not correct as injury report shows the date of occurrence to be of 08.04.2019. He further submits that injuries caused to the informant are found to be simple in nature.

On the other hand, learned counsel appearing for informant vehemently opposes the prayer for anticipatory bail and submits that petitioner in order to deliberately kill the informant, has committed the present offence. Learned counsel further submits that petitioner does not deserve privilege of anticipatory bail as there is specific allegation against him in the First Information Report.

Having regard to the submissions made by the parties and taking into consideration the fact both the parties are own brothers and injuries are simple in nature, I am inclined to grant anticipatory bail to the petitioner.



Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Saran at Chapra, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

