

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61296 of 2018

Arising Out of PS. Case No.-61 Year-2016 Thana- CHHAURADANO District- East
Champaran

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1. Sheshnath Rai Son of Mishrilal Rai,
 2. Chandeshwar Rai @ Chandeshar Rai Son of Late Dhenuk Rai,
 3. Chandrika Rai @ Saburi Rai Son of Chandeshar Rai @ Chandeshwar Rai All
Resident of Village-Mahuawa, P.S.-Mahuawa, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 14-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341,323, 324, 326, 307, 504/34 IPC registered in connection with Mahuawa (Chhauradano) P.S. Case No. 61 of 2016.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties. There is no accusation of assault against petitioner no. 3, who has merely said to have snatched the gold chain, which is mere embellishment. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant oppose the anticipatory bail petition submitting that



the injury suffered by the informant by reason of assault attributable to petitioner no. 1 is grievous in nature as the informant has suffered fracture on both hands. The injury on Lalu Yadav, who is said to have been assaulted by Chandeshwar Rai, sustained injury on his head does not appear to be grievous in nature, as seen from the report of the CT Scan Centre.

5. Considering that the injuries attributed to the petitioner no.1 are grievous in nature, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no.1. Bail petition as against him stands dismissed.

6. As regards petitioner no. 2, whose assault does not appear to have resulted any grievous injury and as regards petitioner no. 3 there is no specific accusation of assault, in the event of arrest or surrender by petitioner nos. 2 and 3 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 2 and 3 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, East Champaran at Motihari, in connection with Mahuawa (Chhauradano) P.S. Case No. 61 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 2 and 3 .



ii. That the petitioner nos. 2 and 3 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 2 and 3 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 2 and 3 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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