

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47751 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- JURAWANPUR District- Vaishali

1. KRISHNA RAI, Son of Late Palak Rai
2. Anarjit Rai Son of Krishna Rai
3. Asheshwar Rai Son of Krishna Rai
4. Ramakant Rai Son of Krishna Rai
All Resident of Village- Raghapur East , P.S.- Jurawanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar
For the Opposite Party/s	:	Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Jurawanpur P.S. Case No.88 of 2018 registered under Sections 307,341,379 and 504 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioners is that petitioner no. 1 assaulted the complainant by means of *Lathi* causing fracture injury on his hand and petitioner no. 2 assaulted him by means of *Farsa* on his head causing head injury due to which he fell down on the ground and there is no specific allegation against other petitioners.



Learned counsel for the petitioners submits that present complaint has been filed with *mala fide* intention, which was subsequent converted into FIR. He further submits that alleged date of occurrence is on 07.09.2018, but the complaint has been filed after delay of 13 days on 20.09.2018. It has further been submitted that from perusal of C.T. Scan report of Pranjani Imagine Centre, at page 22, which is part of the complaint-cum-FIR, it would be evident that the same does not relate to the complainant, as it is in the name of one Dhaneshwar Paswan. Learned counsel submits that the occurrence has allegedly taken place on 07.09.2018 but from perusal of page 23, which is a General Outdoor Registration paper of the complainant, it would be evident that registration of the complainant in Orthopedic & Physiotherapy Department at NMCH, Agamkuan, Patna was done on 11.09.2018. He further submits that almost on similar allegation, another case bearing Jurawanpur P.S. Case No. 76 of 2018 was lodged against the petitioner nos. 1 and 2 by the present complainant in which the Hon'ble Court was pleased to grant anticipatory bail to them, which is Annexure-3 to this application. Learned counsel submits that both parties are neighbour and there is dispute pertaining to a drainage between them.



After having heard learned counsel for the parties and taking into consideration the fact that there is delay in lodging the complaint and injury caused to the complainant does not corroborate with the allegation made in the complaint and both parties are neighbour as such, I am inclined to grant anticipatory bail to all these petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Vaishali at Hajipur in connection with Jurawanpur P.S.Case No. 88 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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