

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60061 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- CHIRAIYA District- East Champaran

1. SANTOSH RAI Son of Hakim Rai Resident of Village - Khodha, P.S.- Chiraiya, District- East Champaran
2. Swarath Rai @ Ram Swarath Rai Son of Lakshan Rai Resident of Village - Khodha, P.S.- Chiraiya, District- East Champaran
3. Dahaur Rai Son of Lakshan Rai Resident of Village - Khodha, P.S.- Chiraiya, District- East Champaran
4. Ram Kewal Rai Son of Lakshan Rai Resident of Village - Khodha, P.S.- Chiraiya, District- East Champaran
5. Balister Rai Son of Late Yadolal Rai Resident of Village - Khodha, P.S.- Chiraiya, District- East Champaran
6. Madaki Rai @ Modaki Rai Son of Yadolal Rai Resident of Village - Khodha, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar
		Ms. Priyanka Kumari
For the Opposite Party/s :		Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-10-2019 Heard both sides.

The petitioners apprehend their arrest in Chiraiya P.S. Case No.13 of 2018 registered under Sections 147, 148, 323, 324, 325, 308, 504 and 506 of the Indian Penal Code.

Punyadeo Rai, the informant named eight persons including six petitioners and alleged that on the order of Dahaur Rai, Santosh Rai(petitioner No.1) assaulted the informant with farsa on his head. Dilip Rai assaulted the informant with bhala on his legs. When Ramjanam Rai(father of the informant) came to save, Swarath Rai assaulted him with spear on his leg and also assaulted with butt of spear on left shoulder causing fracture injury. When the mother of the informant came, the accused persons also assaulted her.



The learned counsel for the petitioners submits that there is a case and counter case. From the side of the petitioners, Chiraiya P.S. Case No.12 of 2018 is registered. The petitioner also received injuries. Both sides were engaged in mutual assault in which save and except Ramjanam Rai, the informant and his mother as well as the petitioners received simple injuries.

It appears from perusal of the F.I.R. itself that Santosh Rai is the assailant of the informant, Punyadeo Rai. Punyadeo Rai received as many as three lacerated wounds and all the injuries are simple in nature. Swarath Rai(petitioner No.2) is the assailant of Ramjanam Rai. Ramjanam Rai got as many as six injuries out of which injury no.2 found on left forearm is opined to be grievous. No specific allegation of assault is made against other accused persons.

Taking into consideration the fact that there is a case and counter case and the occurrence took place on account of land dispute and on account of assault made by petitioner Nos.1, 3, 4, 5 and 6 the injuries are simple in nature, let the petitioner No.1, namely, Santosh Rai, petitioner No.3, namely, Dahaur Rai, petitioner No.4, namely, Ram Kewal Rai, petitioner No.5 namely, Balister Rai and petitioner No.6 namely, Madaki Rai @ Modaki Rai, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sikrahna at Dhaka, District-East Champaran in connection with Chiraiya P.S. Case No.13 of 2018, G.R. No.37/2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

So far as the case of petitioner No.2, namely, Swarath Rai @ Ram Swarath Rai is concerned, he is an assailant of Ramjanam Rai(father of the informant) and father of the informant got as many as six injuries all over his body, out of which one injury on left arm is found to be grievous on account of fracture of bone.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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