

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63751 of 2019

Arising Out of PS. Case No.-275 Year-2019 Thana- PATORI District- Samastipur

1. Amarnath Ray, Son of Raghunath Ray
2. Jagarnath Ray, Son of Raghunath Ray
Both Resident of Village-Bishanpur Paharpur, P.S.-Patory, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 05-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Patori P.S. Case No.275 of 2019 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no specific allegation of assault against these petitioners.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.



Considering the facts and circumstances of the case wherein there is an allegation of committing assault by iron rod on the head of the informant against petitioner no.1, this Court is not inclined to grant anticipatory bail to the petitioner no.1.

In case, the petitioner no.1 surrenders and prays for regular bail in the court below within a period of four weeks from today, the same will be considered on its own merit keeping in view the submission of the petitioner that the parties were fighting over a land dispute and the injury is said to be simple in nature.

So far as petitioner no.2 is concerned, although it is alleged that he had assaulted the informant by spade, but no spade injury has been found on the body of the informant, let the petitioner no.2 in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Samastipur in connection with Patori P.S. Case No.275 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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