

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65706 of 2019

Arising Out of PS. Case No.-187 Year-2019 Thana- CHAUTHAM District- Khagaria

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Anil Rai, aged about 68 years (Male), Son of Yoganand Rai, Resident of
Village - Pipra, P.S.- Chautham, Distt.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mrs. Prativa Kumari, Advocate
For the State	:	Mr. Dilip Kumar No.1, APP
For the Informant	:	Mr. Ranjeet Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 324, 379 and 34 of the Indian Penal Code registered in connection with Chautham P.S. Case No. 187 of 2019.

As per the first information report, the informant filed a written report before the S.H.O. Chautham Police station alleging therein that he was posted in Indian Army and came home on vacation. While he was going to purchase vegetables on motorcycle at Pipra, his uncles including the petitioner assaulted him with bricks on his head which caused head injury. The petitioner came home after serving sentence in a murder case and used to beat his family members and threatened them. His father was severely injured by Amit Rai and the petitioner in the garden. At that time he was in his



unit and in order to protect his family, a letter was sent from there and since then accused Amit Rai and the petitioner used to give threat for implicating him in a false case. On 16.08.2019 at about 18.30 hours while he was going to the market, he was forced to stop his motorcycle and was beaten with bricks by them and at the time of incident, the son of informant was also sitting on the motorcycle.

Learned counsel for the petitioner submits that there is case and counter case between the parties and in the counter case, the petitioner is fighting against his life as he sustained head injury and as such, he has been referred to Health Centre for better treatment. Learned counsel further submits that similarly situated co-accused Amit Rai @ Amit Kumar Rai has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 17.10.2019 passed in Cr. Misc. No. 64834 of 2019.

Learned counsel for the informant submits that in Chautam P.S. Case No. 90 of 1995, the petitioner had been convicted under Section 302/34 of the Indian Penal Code. He further submits that the petitioner has two criminal antecedents. On the other hand, accused Amit Kumar has no criminal antecedents. So this is not a fit case for grant of anticipatory bail to the petitioner. However, the petitioner has sustained grievous injuries in this case.

In the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above



named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 187 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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