

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68653 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- PIYAR District- Muzaffarpur

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1. Mohan Rai @ Mohan Kumar Rai, Son of Anirudh Rai @ Anrudh Rai, resident of Village- Shiv Nagar Tepari, P.S.- Piar (Hatya O.P.), District- Muzaffarpur.
 2. Rajesh Ram, son of Late Munshilal Ram @ Tulsi Ram, resident of Village- Patsara, P.S.- Piar (Hatya O.P.), District- Muzaffarpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Md. Anis Akhtar, Advocate.
For the Opposite Party : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 324, 307,
379 and 504/34 of the IPC.

The prosecution story, in brief, is that the petitioners
have assaulted the informant and his brother after surrounding
with *Iron rod*, *Garasa* and *Katta*. Petitioner no. 1 Mohan Rai
inflicted *Iron rod* on the head of his brother and co-accused
Mithilesh Devi attacked by *Farsa* on the head of his brother.
They both with intent to kill his brother attacked by *Iron rod* and
Farsa and became him injured. Petitioner No. 1 Mohan Rai



snatched chain made of gold from the neck of his brother.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As far as petitioner no. 1 Mohan Rai @ Mohan Kumar Ray is concerned, he is alleged to have given single Iron blow on the head of the victim. As far as petitioner no. 2 Rajesh Ram is concerned, there is no allegation of causing injury against him.

On behalf of the learned counsel for the State, it has been submitted that there is no specific allegation of causing injury upon petitioner no. 2 Rajesh Ram. There is specific allegation of assault against petitioner no. 1 Mohan Rai @ Mohan Kumar Rai. Both petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 1 Mohan Rai @ Mohan Kumar Rai. The same is rejected in connection with Piar P.S. Case No. 103 of 2018, pending in the court of learned Sub-Judge 5th-cum- A.C.J.M., Muzaffarpur. Anyhow, if the petitioner no. 1 Mohan Rai @ Mohan Kumar Rai surrenders and prays for regular bail in the learned court



below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

As far as petitioner no. 2 Rajesh Ram is concerned, let the petitioner no. 2 Rajesh Ram (except petitioner no. 1 Mohan Rai @ Mohan Kumar Rai) in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge 5th-cum- A.C.J.M., Muzaffarpur, in connection with Piar P.S. Case No. 103 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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