

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10538 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- SARE District- Nalanda

1. RAKESH KUMAR S/o Bangali Mahto R/o village- Bahadibigha, P.S.- Sare, District- Nalanda
2. Shivan Yadav S/o Sitaram Yadav R/o village- Asthawan, P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Ram Sumiran Rai
Mr. Rana Baljit Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-09-2020 Heard Mr. Raj Kishore Prasad, learned counsel for the petitioner, Mr. Rana Baljit Singh, learned counsel for the informant and Mr. Ram Sumiran Rai, learned counsel for the State through video conferencing.

Petitioners apprehend arrest in connection with Sare P.S. Case No. 107 of 2019, registered for the offence punishable under Section 147 , 148 , 341 , 325, 307 , 504 of the I.P.C.

The allegation against the petitioners as per the First Information Report is that petitioners along with other accused persons assaulted the informant by means of lathi, danda , spade, knife, iron rod etc.

Learned counsel for the petitioners submits that the



petitioner no. 1 is the own brother of the informant and there is a dispute between the parties relating to ancestral property. Learned counsel referring to Annexure- 2 / 3 submits that all the injuries on the person of the informant have been found to be simple in nature, except injury no. 4 which is grievous and on the non -vital part of the body i.e on hand. Learned counsel further submits that petitioner no. 2 is not the resident of the same village and has falsely been dragged in this case having no specific allegation.

On the other hand, learned counsel for the informant and State vehemently oppose the prayer for anticipatory bail and submits that the accused persons with common intention assaulted the informant with iron rod on his head and as such, they do not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner no. 1 and informant are own brother, there is dispute relating to ancestral property between them and the injuries caused to the informant are simple in nature except one injury on the non -vital part of the body, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioners, above named , shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Biharsharif, Nalanda / court concerned in connection with Sare P.S. Case No. 107 of 2019 subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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