

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11803 of 2020

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1. Mithun Ravidas son of Fuleshwar Ravidas.
 2. Vikash Ravidas son of Fuleshwar Ravidas.
 3. Fuleshwar Ravidas son of late Jago Ravidas.
All resident of village Murwaro P.S. Khaira District Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate
For the Opposite Party/s : Mr.Binod Kumar 3, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 8-09-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Khaira P.S. Case no. 242 of 2019 registered for the offence punishable under sections 307, 341, 323, 504, 506 and 34 of the Indian Penal Code.

At the outset, it is submitted by learned counsel for the petitioners that during pendency of this application petitioner no. 2 Vikash Ravidas was arrested and as such he seeks permission to withdraw this application so far as petitioner no. 2 is concerned.

In view of the above, the application so far as



petitioner no. 2 is concerned stands dismissed as withdrawn.

As per allegation in the FIR, it is stated by the informant that the three petitioners herein caught him, started to abuse him and asked him to leave his land. It is further stated that petitioner no. 2 caught hold of the informant and petitioner no. 1 struck him with an iron rod on his head as a result of which he started to bleed and he fell down. It is further stated that the petitioner no. 2 caught hold of him and petitioner no. 3 in an intoxicated condition struck him with a lathi. It is stated that there is ongoing land dispute between the parties.

It is submitted by learned counsel for the petitioner nos. 1 and 3 that from the injury report it would transpire that while the allegation against the petitioner no. 1 is of having assaulted with an iron rod, the doctor, in the injury report is of the opinion that the injury has been caused by a sharp cutting object. It is submitted that the injury report does not support the allegation as levelled in the FIR. It is further submitted that there is enmity between the parties. The petitioner nos. 1 and 3 do not have any criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and



taking into consideration the fact that there is specific allegation against the petitioner no. 1 of having assaulted with an iron rod on the head of the informant together with the fact that in the opinion of the doctor the injury is grievous in nature, the Court is not inclined to enlarge the petitioner no. 1 on anticipatory bail and as such his application for anticipatory bail is rejected.

In the facts and circumstances of the case, the petitioner no. 3 is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Khaira P.S. Case no. 242 of 2019 he will be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui subject to the conditions as laid down under section 438(2) of the Cr.P.C.

Prakash/-

(Partha Sarthy, J)

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