

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10454 of 2020

Arising Out of PS. Case No.-425 Year-2019 Thana- SURSAND District- Sitamarhi

1. Niranjan Rai, aged about – 60 years, Gender -Male S/o -Late Krishandev Rai.
2. Mahesh Rai @ Maheshwar Rai, aged about 55 years (Male), son of Late Krishandev Rai
Both are R/o Village- Parri, P.S.-Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-06-2020 Heard Mr. Alok Kumar Alok, learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned counsel appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Sursand P.S. Case No. 425 of 2019 registered for the offence punishable under Section 341, 323, 504, 379, 354, 34 of the I.P.C.

The allegation against the petitioners is that petitioners along with other accused persons, six in number, assaulted the informant by means of *lathi*, fists etc. and one Mahesh Rai assaulted by means of *lathi* on his head and when the brother of the informant Ram Vinay Rai came to save him,



he was also assaulted. It has further been alleged that thereafter the accused persons arrived at the house of the informant and tried to outrage the modesty of the sister- in -law of the informant and Mahesh Rai snatched *mangal sutra* of the sister -in- law of the informant.

Learned counsel for the petitioners submits that both the parties are co- sharers and there is dispute between them with regard to closure of the river front near the house of the informant. Learned counsel further submits that there is case and counter case inasmuch as the side of the petitioners has lodged Sursand P.S. Case No. 424 of 2019 for an occurrence which has taken place on the same day. Learned counsel further submits that no injury has been caused to anybody due to the said occurrence. Learned counsel also submits that Section 379 and 504 of the I.P.C. are ornamental in nature.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are co-sharers and no apparent injury has been found on the person of the informant or others, 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 Sri Kavindra Kumar, learned Judicial Magistrate, Pupri, Sitamarhi / concerned court in connection with Sursand P.S. Case No. 425 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 bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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