

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12178 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

PAPPU RAI @ PAPU RAY Son of Ram Shresth Rai @ Ram Shrith Rai
Resident of Village - Chhoti Narwara, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prasoon Sinha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-08-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Tariyani P.S. Case no. 164 of 2019 registered under sections 307, 323, 324, 341, 379, 447, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that while he was returning with Rs. 50,000/- the three accused persons including the petitioner herein caught hold of him and assaulted him. It is stated that the petitioner struck him with a bamboo stick on his head and all the three attempted to take away Rs. 50,000/- that he was carrying. On his shouting for help the accused persons ran away and the



informant somehow managed to reach his home. It is further stated that thereafter the aforesaid accused persons along with their wives, variously armed came to the informant's house and the petitioner with the intention to kill struck with garasa on the informant's head as a result of which he was injured.

It is submitted by learned counsel for the petitioner that the FIR has been lodged with false and concocted allegations, there is case and counter case between the parties and the correct version of the occurrence having been stated in the FIR lodged by the petitioner's mother which has been brought on record as Annexure-2 to the petition. It is further submitted that the delay in lodging of the second FIR was for the reason that there was assurance by the parties of settling the matter in the Panchayati, which ultimately did not take place. It is further submitted that from the injury report brought on record as Annexure-3 to the petition, the nature of injury has been found to be simple. The petitioner has no criminal antecedent.

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

The case diary called for in the case has been received.



Having heard learned counsel for the parties and on going through the facts and circumstances of the case, the narration in the case and counter case between the parties, the nature of injury of the informant being simple and the petitioner not having any criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Tariyani P.S. Case no. 164 of 2019, G.R no. 789 of 2019 he will be enlarged on 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, Sheohar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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