

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70223 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- SARAI District- Vaishali

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1. Parmeshwar Rai, S/o Late Saryug Rai R/o village- Sheetal Bhakurahar, P.S.- Sarai, District- Vaishali
 2. Santosh Kumar @ Santosh Rai, S/o Parmeshwar Rai R/o village- Sheetal Bhakurahar, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra- Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

4 03-07-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend their arrest in connection with Sarai P. S. Case No.255 of 2018 registered for the offences punishable under Sections 341, 323, 354, 379, 307, 504, 34 of the I.P.C.

Petitioner no.2 is said to have given *Hasua* blow causing injury on left eyebrow of informant whereas petitioner no.1 is said to have torn the blouse of informant and assaulted her by catching her hair.

Admittedly, after due investigation, police found the case untrue against the petitioners and they were not sent up for



trial, but learned Magistrate differed with the finding of police and took cognizance against the petitioners also. The impugned order dated 12.07.2019 passed by the learned Additional Sessions Judge-X, Vaishali at Hajipur goes to show that injureds of this case have sustained simple injury said to have been caused by hard and blunt substance. The Annexure-3 goes to show that there is case and counter-case between the parties and there is land dispute between them.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur in connection with Sarai P. S. Case No.255 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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