

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77396 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- DORIGANJ District- Saran

1. DHARAM RAI S/o Late Ram Prasad Rai R/o village- Chirand, P.S.- Doriganj, Distt.- Saran
2. Sheojee Rai S/o Late Ram Prasad Rai R/o village- Chirand, P.S.- Doriganj, Distt.- Saran
3. Ajit Rai@ Ajit Kumar Yadav S/o Dharam Rai R/o village- Chirand, P.S.- Doriganj, Distt.- Saran
4. Kanhai Kumar @ Kanhai Rai @ Kanhaiya Kumar S/o Sheojee Rai R/o village- Chirand, P.S.- Doriganj, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-03-2020 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,323,324,307,504,506 and 447 of the IPC.

The prosecution case as per the Fardbeyan of Umesh Rai recorded by SI Ram Chandra Tiwari of Bhagwan Bazar Police Station on 10.9.2019 at 5.00 P.M. is to the effect that on the same day at 10.00 A.M. the younger brother of the informant was washing the truck, the road got water-logged, in the backdrop of the same, eight accused persons including the petitioners came being variously armed and started abusing. It



is alleged that petitioner no. 1 Dharam Rai caused injury with farsa on the head of the informant, petitioner no. 2 Sheoji Rai caused injury with Daab on the head of the informant's brother namely Ranjit Rai, petitioner no. 3 Ajit Rai caused injury with Bhala on the head of another brother of the informant, namely, Sanjit Rai and petitioner no. 4 Kanhai Rai caused injury with Daab on the head of the informant's nephew. It is further alleged that co-accused Jitendra Rai assaulted the sister-in-law of the informant namely Kavita Devi with fists and danda and thereafter petitioner no. 3 is alleged to have caught hold of the informant and petitioner no. 1 snatched Rupees Fifty Eight Thousand from the informant's pocket.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the backdrop of pretty dispute, while the injury has been found to be simple caused by hard blunt substance, whereas the accusation is of causing the same by sharp cutting weapon. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP after going through the case diary submits that the injury has been found superficial caused by hard blunt substance.



Considering the injury being caused by hard blunt substance not being corroborated by the accusation in the FIR, for the occurrence of 10.9.2019 the FIR was registered on 13.9.2019 coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Doriganj P.S. Case No.179 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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