

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8059 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- DHOLBAJJA District- Bhagalpur

1. RAJESH RAY @ RAJESH KUMAR RAY @ RAJESH ROY S/o Kankir Ray @ Kankeer Ray R/o village- Kedwa Pratap Nagar @ Kadwa Pratapnagar, P.S.- Dholbajja, District- Bhagalpur
2. Sitiya Ray @ Sitiya Roy @ Sitya Roy S/o Kankir Ray @ Kankeer Roy R/o village- Kedwa Pratap Nagar @ Kadwa Pratapnagar, P.S.- Dholbajja, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar, Advocate
For the State	:	Mr.Ramchandra Singh, APP
For Informant	:	Mr. Binoy Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-03-2020 Heard counsel for the petitioners, counsel appearing on behalf of the State and the informant.

The petitioners are apprehending arrest in connection with Dholbajja (Kedwa @ Kadwa) P.S. Case No. 69 of 2019 for offences under Sections 147, 148, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

The occurrence in this case took place on account of dispute over grazing goat and in the scuffle the informant side sustained injury.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent. The scuffle took



place due to sudden provocation.

Counsel appearing on behalf of the informant submits that the injury inflicted by petitioner no. 1 led to hospitalization of the injured and staying in hospital for more than nine days.

Considering the aforesaid, the Court is not inclined to grant anticipatory bail to the petitioner no.1. His prayer is, accordingly, rejected.

However, considering the fact that the nature of injury inflicted by the petitioner no. 2 on the informant side is on non-vital part of the body and the petitioner No. 2 has no criminal antecedent, the Court is inclined to grant bail to the petitioner No.2. Let the petitioner No.2, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate-1, Naugachia (Bhagalpur) in connection with Dholbajja (Kedwa @ Kadwa) P.S. Case No. 69 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P. C.

In the event the petitioner no. 1 surrenders and pray for regular bail, the court below shall dispose of his application



for regular bail on the same day without being prejudiced by the rejection of his prayer for anticipatory bail.

(Anil Kumar Upadhyay, J)

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