

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29050 of 2021

Arising Out of PS. Case No.-359 Year-2020 Thana- KHAIRA District- Jamui

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1. Suresh Rai S/o Reetlal Rai R/o village- Chananvar, P.S.- Khaira, District- Jamui
 2. Bharat Rai @ Uggan Rai S/o Budhu Rai R/o village- Chananvar, P.S.- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj, Adv
For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-10-2021 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 143, 341, 323, 324, 307, 354A, 379, 504& 506 of the Indian Penal Code.

Learned counsel for the petitioners submit that during pendency of this application, petitioner no. 2 Bharat Rai, has been arrested as such this application has become infructuous with respect to petitioner no. 2 Bharat Rai.

Informant in his written complaint has alleged that at

about 7:30 pm while he was sitting in his verandah 25 FIR named accused including petitioner variously armed entered his house and started to abuse and assault his family members and also took away valuable items and on protest Suresh Rai (petitioner) assaulted on the head of Informant by a sword as a result of which he sustained head injury.

It is submitted on behalf of petitioner no. 1 that there is case and counter case between the parties and they are next door neighbours. Both parties have suffered injuries. This case is counter blast of Khaira P.S. Case No. 360 of 2020 instituted by Kari Devi. Allegations made against petitioner no. 1 Suresh Rai that he assaulted Informant on his head by sword, however, head injury has been stated to be simple in nature. There is no any allegation against petitioner no. 1 of assaulting any other person. Petitioner No. 1 has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner(s) named above be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Khaira P.S. Case No. 359**

of 2020, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

(S. Kumar, J)

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