

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30905 of 2020

Arising Out of PS. Case No.-160 Year-2020 Thana- GARKHA District- Saran

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1. Ravindra Rai @ Ravindra Prasad Rai, aged about 61 years, male.
 2. Umesh Rai, aged about 44 years, male.
- Both are Sons of Mathura Rai, Resident of Village- Rampur Tola Rustampur,
P.S.- Garkha, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Adv.
For the Informant	:	Md. Anis Akhtar, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-01-2021 Heard Mr. Surendra Kumar Singh, learned

Advocate for the petitioners and Md. Anis Akhtar, learned

Advocate for the informant. The State is represented by Mr.

Ram Priya Sharan Singh, learned APP.

Learned counsel for the petitioners seeks

permission to withdraw this application with respect to

petitioner No. 1/Ravindra Rai @ Ravindra Prasad Rai, who is



stated to have been arrested.

Permission is accorded.

The present application with respect to petitioner No. 1 is, therefore, dismissed as withdrawn.

Petitioner No. 2/Umesh Rai seeks bail in anticipation of his arrest in connection with Garkha P.S. Case No. 160 of 2020, dated 16.04.2020, instituted for the offences under Sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code. Later on, Section 307 I.P.C. has also been added.

Learned counsel for the petitioner has submitted that though petitioner No. 2 is said to have assaulted one Kameshwar Rai with a spear and caused injury to him which has been reported to be grievous; but it is on the palm and therefore cannot be said to be life threatening. Apart from this, it has been submitted that there is a pending land dispute between the parties. There is a counter version of the occurrence as well.

Three persons have been seriously injured from the side of the petitioner.



As opposed to the aforesaid contention, Md. Anis Akhtar, learned Advocate for the informant has submitted that Section 307 of the I.P.C. appears to have been added only because of the injuries inflicted by the petitioner on aforesaid Kameshwar Rai. He does not however oppose the application with respect to petitioner No. 1 as he has already been arrested.

Considering the nature of injury on aforesaid Kameshwar Rai who is said to have been assaulted by the petitioner and taking into account the past dispute between the parties and there being a counter version of the occurrence, petitioner No. 2 above-named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 14th Addl. Chief Judicial Magistrate, Chapra, in connection with Garkha P.S. Case No. 135 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



While saying so, this Court has also taken note of the fact that the occurrence took place on 20.03.2020 but the report regarding the same was lodged on 14.04.2020 and the endorsement of the learned Chief Judicial Magistrate on the subject F.I.R. is on 29.04.2020.

(Ashutosh Kumar, J)

Praveen-II/-

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