

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.837 of 2021

Arising Out of PS. Case No.-107 Year-2019 Thana- ATHMALGOLA District- Patna

1. Budhan Rai, aged about 24 years, Male, Son Of Krishna Rai, Vill Lahariya Tola, P.S. Athmalgola, District- Patna.
2. Prasudan Rai @ Prapudan Kumar, aged about 23 years, (Male), Son Of Krishna Rai, Vill Lahariya Tola, P.S. Athmalgola, District- Patna.
3. Masudan Rai @ Krishna Rai, aged about 20 years, Male, Vill Lahariya Tola, P.S. Athmalgola, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Suraj Kumar, Advocate.

For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 354, 324, 307, 379, 447 and 448/34 of the I.P.C.

The prosecution story, in brief, is that on 24.06.2019 Krishna Rai entered the house of the informant and assaulted his mother with Iron rod. On hulla, the son of Krishna Rai, namely,



Budhan Rai, also came and assaulted with Lathi on the head of the informant. Other sons of Krishna Rai, namely, Praduman Kumar and Masudan Kumar came with rod and Lathi and assaulted the nephew of the informant and pierced the knife to him. Domani Devi and Tetari Devi after entering the house of the informant, took ornaments worth Rs. 10,000/- and cash of Rs. 25,000/-. The alleged occurrence has taken place due to land dispute.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Due to previous enmity, the present case has been instituted. From perusal of the order of the learned Sessions Court, it appears that there is no injury report on the record. Hence, it cannot be ascertained the nature of injury caused in course of occurrence is simple or grievous.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned S.D.J.M., Barh, in connection with Athmalgola P.S. Case No. 107/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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