

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2761 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- DARIYAPUR District- Saran

NELU RAI @ DHARMENDRA RAI Son of Dasai Rai Resident of Village -
Hariharpur Bathani, P.S.- Dariyapur, Distt.- Saran , Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 325, 379, 504, 506 and 34 of the Indian Penal Code.

The informant alleges that on 02.09.2021, he along with his father-in-law Lakshman Ray was going to his house on motorcycle when on the way, the accused persons intercepted and attacked them with dab, country made pistol and an iron rod causing injury on head, it is next alleged that petitioner assaulted with iron rod on his knee due to which his left leg got fractured and thereafter it is alleged that petitioner snatched golden chain from his neck and cash Rs. 21,000/-.

Learned counsel for the petitioner submits that



petitioner is a person with clean antecedent, both petitioner and the informant are auto drivers and the present occurrence took place on account of dispute relating to passengers. It is further submitted that the occurrence took place on spur of the moment and as far as allegation of assault on the informant is concerned, the same is on non-vital part of the body as such petitioner had no intention to kill him, it is next submitted that as far as allegations of snatching gold chain and cash are concerned, the same are ornamental in nature. Learned counsel next submits that though there is an allegation of assault on the head but the injury report does not even remotely suggest that the informant sustained any injury on head.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is a person with clean antecedent and it is his first offence, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/successor court in connection
with Dariyapur P.S. Case No. 419 of 2021 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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