

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45462 of 2021

Arising Out of PS. Case No.-39 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. BINOD RAI S/o Maheshwar Rai Resident of Village- Laxman Nagar, P.S.- Gaighat, District- Muzaffarpur.
2. Maheshwar Rai S/o Late Ram Rai Resident of Village- Laxman Nagar, P.S.- Gaighat, District- Muzaffarpur.
3. Chand Lal Rai Son of Mahabir Rai Resident of Village- Laxman Nagar, P.S.- Gaighat, District- Muzaffarpur.
4. Nand Lal Rai Son of Mahabir Rai Resident of Village- Laxman Nagar, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 18-04-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners as well as the learned counsel for the informant.

The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 325, 379, 504 and 506/34 of the Indian Penal Code, registered in connection with Gaighat P.S.Case No. 39 of 2021.

As per allegation, six named accused persons



including the petitioners, surrounded the informant and petitioner no.1 assaulted him with iron rod, resulting in fracture of his left hand.

The learned counsel for the petitioners has submitted that there is no allegation of assault on the vital part of the body, as such, Section 307 of the IPC is not made out.

The learned counsel for the informant has opposed the prayer for bail.

The injury report shows that the injured Mithilesh Roy sustained four injuries on his hand and foot. The nature of the injury is grievous.

Petitioner no.1 Binod Rai is the main assailant, as such, he does not deserve the privilege of anticipatory bail. Accordingly, his prayer for anticipatory bail is hereby **rejected**.

So far as petitioner nos. 2, 3 and 4 are concerned, let them above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of ACJM 15th, Muzaffarpur in connection with Gaighat P.S.Case No. 39 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.



Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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