

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60480 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- MAJORGANJ District- Sitamarhi

1. HARI KISHORE KUMAR @ HARI KISHORE RAY Son of Pashuram Rai @ Parasuram Rai Resident of Village - Majorganj, P.S. - Majorganj, District - Sitamarhi
2. Pashuram Rai @ Parasuram Rai Son of Late Ramji Ray Resident of Village - Majorganj, P.S. - Majorganj, District - Sitamarhi
3. Ramnath Rai Son of Late Khelawan Rai Resident of Village - Majorganj, P.S. - Majorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Uday Kumar
For the Opposite Party/s :	Mr.Md. Matloob Rab
	Mr. Pushpendra Kumar
	Mrs. Divya Bharti

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 20-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

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

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner no. 2, Pashuram Rai @ Parasuram Rai has been arrested, as such, it has become infructuous with respect to him. He, therefore, seeks permission to withdraw this criminal miscellaneous petition with respect to petitioner no.2.



Permission is accorded and **this petition is dismissed as withdrawn with respect to petitioner no. 2.**

So far as petitioner nos. 1 and 3 are concerned, they apprehend their arrest in connection with Majorganj P.S. Case No. 22 of 2021 registered for offence punishable under sections 341, 323, 324, 307, 325, 504/34 of the Indian Penal Code.

As per allegation, the petitioners stopped the informant when he was going to his shop. Petitioner nos. 1 and 2 assaulted informant with iron rod on his head and they also assaulted his brother and mother. Petitioner no. 1 assaulted on the head of the father of the informant with *Daab* on his head.

The learned counsel for the petitioners has submitted that there is case and counter case and both the parties have sustained injuries. The defense side has also sustained grievous injuries. He has submitted further that although the injuries suffered by the informant and his family members are simple in nature except one, which is injury on the head of the father of the informant and it is dangerous to life.

On the other hand, the learned counsel for the informant has opposed the prayer for bail.

The father of the informant has sustained injury, which is dangerous to life and it is attributed against petitioner no. 1, as such, **the anticipatory bail petition with respect to petitioner**



no. 1 is rejected.

So far as petitioner no. 3 is concerned, his prayer for anticipatory bail is allowed. **Let petitioner no. 3** in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, District Sitamarhi in connection with Majorganj P.S. Case No. 22 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Since the learned counsel for the petitioners has submitted that on the similar allegation, the members of prosecution side have been granted anticipatory bail, petitioner no. 1 is directed to appear before the court below and make a prayer for regular bail, that shall be disposed of on the same day without being prejudiced by this order.

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

(Nawneet Kumar Pandey, J)

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