

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49561 of 2014

Arising Out of PS.Case No. -95 Year- 2013 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rudal Rai
 2. Mosadi Rai, both sons of Ram Kishun Rai
 3. Manshi Rai
 4. Jamun Rai, both sons of Late Ram Kishun Rai
 5. Tulshi Rai
 6. Fenku Rai, both sons of Ram Janam Rai
 7. Bikram Rai son of Mosadi Rai All residents of village - Dostiya, P.S. -
Lakhaura, District - East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners, apprehending their arrest in connection with Muffasil (Lakhaura) P.S. Case No. 95 of 2013 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

The prosecution case in brief is that altogether nine accused persons named in the First Informant Report assembled on the door of the informant. Thereafter on the order of the Mosadi Rai, it is alleged that the informant and his family members were assaulted by the accused persons. Specific allegation of assault has been made against Rudal Rai, Dinesh Rai and Jamun Rai. As far as the allegation against Tulshi Rai is concerned, it is of snatching Rs. 5,000/- from the pocket of the informant.

On behalf of the petitioners, it has been submitted that there is a case and a counter case and for which Muffasil P.S. Case No. 96 of 2013 has also been instituted by the accused's side, which is Annexure-2 to this application. It has further been submitted on behalf of the petitioners that in respect to the injury sustained by Ajay Kumar, who is alleged to have been assaulted by Rudal Rai, the medical opinion in respect to the injury has been reserved and in respect to the other persons, the injury is said to be simple in nature. It has further been stated that there are certain land dispute between the parties.

On behalf of the learned counsel for the State, it has been stated that there is a direct allegation against the petitioners.

Considering the aforesaid facts and the circumstances of the case, the anticipatory bail application of Rudal Rai and Jamun Rai is rejected, who are directed to surrender before the court below within a period of six weeks and seek regular bail. As far as the other petitioners namely, Mosadi Rai, Manshi Rai, Tulshi Rai, Fenku Rai and Bikram Rai are concerned, they are directed to be enlarged on anticipatory bail in the event of their arrest or surrender in the court below within four weeks on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mufasil P.S. Case No. 95 of 2013, subject to the conditions, as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J.)

Vats/-

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