

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.300 of 2016

Arising Out of PS.Case No. -213 Year- 2015 Thana -DARIYAPUR District- SARAN

1. Indrajit Rai, S/o- Late Naga Rai
2. Upendra Rai, S/o- Yogi Rai,
Both R/o Village- Akilpur, P.S.- Dariapur, District- Saran at Chapra.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.4109 of 2016

Arising Out of PS.Case No. -213 Year- 2015 Thana -DARIYAPUR District- SARAN

Dinesh Rai S/o Late Rajnand Rai Resident of village - Saamanchak, P.O.
Dariyapur, P.S. Dariyapur, District - Saran (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.57622 of 2015

Arising Out of PS.Case No. -213 Year- 2015 Thana -DARIYAPUR District- SARAN

1. Subhash Ray S/o late Rajnand Rai R/o Village- Saamanchak, Po+ P.s-
Dariyapur,District Saran .
2. Yogi Rai S/o late Mathura Rai
3. Ram Babu Rai S/o late Asharfi Rai
Both 2 & 3 R/o Village- Akilpur,Po+P.S Dariyapur, District Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.300 of 2016)

For the Petitioners : Mr. Awadhesh Kumar, Advocate

For the Opposite Party : Mr. Amit Kr. Rakesh, APP

(In Cr.Misc. No.4109 of 2016)

For the Petitioner : Mr. Awadhesh Kumar

For the Opposite Party : Mr. Amit Kumar Rakesh, APP

(In Cr.Misc. No.57622 of 2015)

For the Petitioners : Mr. Awadhesh Kumar, Advocate

For the Opposite Party : Ms. Meena Singh, APP

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 24-02-2016

As aforesaid three applications arise out of the same First Information Report, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for offences punishable under Sections 147, 148, 149, 307, 323, 354, 341, 448 and 427 of the Indian Penal Code.

Anticipatory bail application of petitioner no. 3, namely, Ram Babu Ray (Cr. Misc. No. 57622 of 2015) has become infructuous as he has already been taken in custody.

So far other petitioners are concerned, it is contended on behalf of the petitioners that the allegation is general and omnibus in nature and there is a case and counter case between the parties. In fact it is the informant's side who are the aggressors and the petitioners have been delivered possession of the disputed land with the help of District Administration.

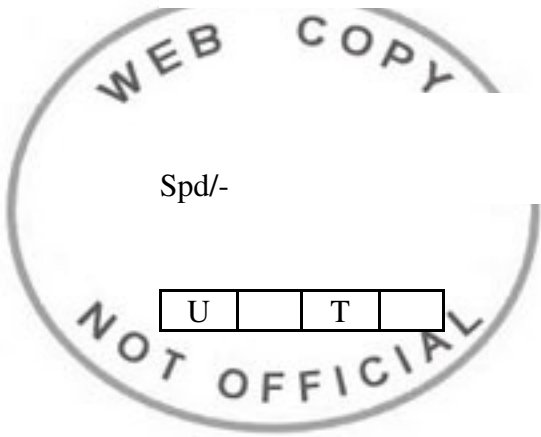
However, it is contended on behalf of the State that though there is general and omnibus allegation against all the

petitioners but it would be apparent from Annexure 9, which is the fardbeyan of son of the deceased, as well as statements of several other witnesses recorded during the course of investigation that it was the petitioners Upendra Rai and Indrajit Rai who had assaulted the deceased Soma Rai by farsa and rod causing head injuries.

Having regards to the aforesaid facts and circumstances since the materials are available in the case diary against petitioners Upendra Rai and Indrajit Rai of Cr. Misc. No. 300 of 2016 regarding assault on the head of Soma Rai causing his death, this Court is not inclined to grant the privilege of anticipatory bail to them and accordingly their prayer for anticipatory bail is rejected.

However, in the facts and circumstances, let the petitioners, namely Subhash Ray and Yogi Ray of Cr. Misc. No. 57622 of 2015 and Dinesh Rai of Cr. Misc. No. 4109 of 2016 be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Dariyapur P.S. Case No. 213 of 2015 on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Saran at Chapra subject to the conditions as laid down under sub-

section(2) of Section 438 of the Code of Criminal Procedure.



Spd/-

(Dr. Ravi Ranjan, J)