

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.148 of 2018

Arising Out of PS.Case No. -71 Year- 2016 Thana -RAJEPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Jai Karan Rai @ Jai Karan Sah, S/o Ganesh Rai.
2. Ganesh Rai. S/o Late Khelawan Rai
3. Ramjee Rai, S/o Late Khelawan Rai,
4. Chanar Rai S/o Khelawan Rai
5. Jai Kishun Rai, S/o Ramjee Rai.
6. Hari Rai, S/o Ramjee Rai. All R/o Village Nomimal, P.S. Rajepur, Distt.
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Sri Rajballabh Singh
For the informant : Mr. Manoj Kumar Ambastha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-01-2018 The learned counsel for the petitioners submits that petitioner No.4, Chanar Rai, has been arrested and prayed to withdraw the anticipatory bail petition of petitioner No.4.

Prayer is allowed.

The anticipatory bail petition of petitioner No.4, Chanar Rai, is dismissed as withdrawn.

The learned counsel for the petitioners further submits that Ganesh Rai, petitioner No.2, during the course of investigation, was released on P.R. bond by the police but after investigation the police found the case true against Ganesh Rai also and bent upon to arrest the petitioner, Ganesh Rai.

The learned counsel for the petitioners, after some argument, seeks permission to withdraw the anticipatory bail



petition of petitioner No.2 as he was on P.R. bond during the course of investigation.

Prayer is allowed.

The anticipatory bail petition of petitioner No.2, Ganesh Rai, is disposed of as withdrawn.

Heard the learned counsel for the petitioners, the learned counsel for the informant and the learned A.P.P.

The petitioners apprehend their arrest in Rajepur P.S. case No. 71 of 2016 under Section 307, 324, 325 and other Sections of the Indian Penal Code.

Ashok Rai, the informant, alleged that he irrigated his land and after irrigation he went to his house but when he returned on his land he saw that Jai Karan Rai was flowing the water after cutting the ridge of his land. When the informant objected, Jai Karan Rai and Ganesh Rai assaulted the informant with iron rod causing injury on his head and other parts of the body. It is further alleged that when father and other family members of the informant came, Ramjee Rai, Chanar Rai, Hari Rai and Jai Kishun Rai assaulted them.

The learned counsel for the petitioners submits that there is counter version being Rajepur P.S. case No. 103 of 2016. Jai Kishun Rai is informant of Rajepur P.S. case No. 103 of 2016. It is submitted that Jai Kishun Rai and others got injuries and Jai Kishun Rai made his statement in SKMCH, Muzaffarpur but from perusal of the records, it appears that Jai Kishun Rai got simple injuries. The informant on account of assault made by Jai Karan Rai got injury on his head and hand. The injury found on the hand is grievous in nature.

Considering the facts aforesaid, I am not inclined to



enlarge petitioner No.1, Jai Karan Rai, on anticipatory bail. Accordingly, the same is rejected.

So far as case of Ramjee Rai, Jai Kishun Rai and Hari Rai is concerned, there is general and omnibus allegation of assault against them that they assaulted the father and other family members of the informant but father and other family members of the informant got superficial injuries. There is counter version.

Considering the facts aforesaid and the nature of allegation made against the petitioners Nos. 3. Ramjee Rai, 5. Jai Kishun Rai and 6. Hari Rai, the petitioners Nos. 3, 5 and 6 in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Sadar, East Champaran, Motihari in connection with Rajepur P.S. case No. 71 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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