

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61599 of 2018

Arising Out of PS. Case No.-957 Year-2015 Thana- BIHTA District- Patna

1. Sanjay Rai,
2. Ajit Rai,
3. Ranjay Rai,
All Sons of Nazir Rai, All residents of Village- Amnabad, P.S.-
Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Adv.

For the Opposite Party/s : Mr. Sri Binod Kumar 3, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 147, 148, 149,
307,323, 324, 341,354 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Binda Ray, recorded by S.I. Ajit Kumar, Bihta Police Station on
19.11.2015 at 8.30 P.M., at Referral Hospital, Bihta to the effect
that co-accused, Chandrasekhar Rai was taking water for
irrigation of his agricultural land by a pipe through the land of
his brother, Sambhu Rai, but due to leakage on the said pipe,
irrigation water spread in the field of the informant which
damaged the harvesting rice crops of the agricultural land of the
informant. On protest being made, all the accused persons



variously armed assaulted the informant and his family members.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general in nature and due to the bona fide mistake of the petitioner, the irrigation water got spread in the agricultural land of the informant. It is further submitted that though the informant and his family members are alleged to have received several injuries, but there is no injury report on record to corroborate such allegation of assault. In fact, there is counter version of the occurrence, being Bihta P.S. Case No.958 of 2015. Moreover, similarly situated co-accused persons have been granted privilege of anticipatory bail vide Criminal Miscellaneous No. 43851 of 2018 and Criminal Miscellaneous No. 52701 of 2015. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner.

Considering the genesis of the occurrence, a counter case being filed against the informant by the petitioners' side and in view the fact that neither the FIR nor the impugned order suggests that any injury has been caused to anyone, the



accusation being omnibus and general, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Danapur, Patna, in connection with Bihta P.S. Case No.957/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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