

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43592 of 2018

Arising Out of PS.Case No. -279 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Shambhu Rai, Son of Hanuman Rai
 2. Chotan Rai, Son of Shambhu Rai
 3. Mukesh Rai, Son of Late Vrai
 4. Lal Bachan Rai, Son of Raja Rai
 5. Ajay Rai, Son of Jiyalal Rai All residents of village - Gothiya, P.S. -
Lakhaura, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-07-2018

Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending their arrest
in a case registered for the offences punishable under Sections
147, 148, 149, 323, 324, 307, 341, 342, 379, 448, 504 and 506 of
the Indian Penal Code.

The prosecution case as per the written report
of Bijay Rai dated 05.08.2015 submitted to Station House
Officer, Lakhaura O.P., P.S., is to the effect that on the same day
at 4.00 A.M. ten accused persons including the petitioners came
variously armed came in front of the door of the informant and



started abusing the informant, when the protest being made by the informant, he was being assaulted and when the agnate of the informant, Rai Jageshwar Rai came to rescue the informant, the accused persons assaulted him also. It is further alleged that accused persons took out Rs.5,000/- from the house of the informant and a gold chain worth Rs.30,000/-.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general. The impugned order does not suggest the nature of injury caused and there is a counter version of the occurrence. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners are named in the FIR.

Considering the nature of accusation being omnibus and general and statement being made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned



Sub-divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan (Lakhaura) P.S. Case No. 279 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since the petitioners have made the prayer for anticipatory bail after more than two years of the occurrence, the learned Court below will be at liberty to cancel the bail bonds of the petitioners, if they default for three consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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