

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28251 of 2019**

Arising Out of PS. Case No.-479 Year-2018 Thana- DHAKA District- East Champaran

1. BALI RAM RAI Son of Late Laxman Rai.
2. Ranjeet Rai Son of Bali Ram Rai.
3. Sanjeet Rai Son of Ram Bali Rai.
4. Pappu Rai Son of Ram Sagar Rai all Resident of Village - Basahiya, P.S.- Dhaka (Pachpakari), Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 22-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 447, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code.

As per F.I.R., due to land dispute these petitioners along with co-accused holding lathi, Farsa, Garasa, rifle, pistol in their hands came and abused the informant. On the order of accused Bindeshwar Rai, Shiv Pujan Rai gave Farsa blow on the head of Ram Sewak Rai causing cut and bleeding injury and when after sustaining injury he fell down other accused persons



assaulted him by lathi. Petitioner no. 1 Baliram Rai gave Garasa blow on the head of Shambhu Rai causing cut and bleeding injury. Accused Pappu Rai gave Garasa blow on the head of Ram Balak Rai and Prem Rai gave Farsa blow on the forehead of Awadhesh Rai causing cut and bleeding injury. Accused Ranjeet Rai assaulted Ram Balak Rai by lathi due to which he received fracture in the finger of his hand. Accused Harish Chand Rai assaulted Ram Biswash Rai by butt of the rifle. The injured Shambhu Rai has sustained two injuries by the petitioner no. 1, one C.L.W upon right forearm and another C.L.W. upon left side of scalp, grievous in nature. The injured Ram Kishore Rai has sustained two injuries, one C.L.W. upon middle of scalp and another swelling upon left thigh, simple in nature.

It has been submitted on behalf of the petitioners that they are innocent, bear no criminal antecedent and have been falsely implicated in the present case. He submits that allegation against the petitioner no. 1 who inflicted Garasa blow on the head of Shambhu Rai has been found to be grievous in nature but allegation against the petitioner nos. 2 to 4 who inflicted lathi blow and Garasa blow has been found to be simple in nature.

In the facts and circumstances of the case, let the



petitioner no. 2, 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, District-East Champaran in connection with Dhaka (Pachpakakri) Police Station Case No. 479 of 2018, G.R. No. 1557 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as conditions:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.

(III) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.



So far case of the petitioner no. 1 is concerned, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. Accordingly, his payer for anticipatory bail is rejected in connection with Dhaka (Pachpakakri) Police Station Case No. 479 of 2018, G.R. No. 1557 of 2018 from the court of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, District-East Champaran.

Accordingly, the application is dismissed against the petitioner no. 1.

(Anjani Kumar Sharan, J)

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