

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30331 of 2019

Arising Out of PS. Case No.-841 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. Lalan Yadav @ Lalan Rai, aged 32 years (M), Son of Late Pachu Rai
 2. Vinod Yadav @ Binod Yadav @ Vinod Rai aged 35 years (M), Son of Late Bhikhar Rai
 3. Rajendra Rai aged 45 years (M), Son of Late Badar Rai
 4. Rajeshwar Rai, aged 25 years (M), Son of Bhikhu Rai
 5. Bhikhu Rai, aged 50 years (M), Son of Late Badar Rai
 6. Ramesh Rai, aged 22 years (M), Son of Bhikhu Rai
All Resident of Village- Shankar Saraiya, P.S.- Turkauliya, District- East
Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. J.K.Singh, APP
For the Informant	:	Mr. Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 325, 307, 379, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Turkauliya P.S. Case No. 841 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. Except injury sustained by the informant on his hand which is said to be grievous in nature, attributed to the assault by Rajeshwar Rai petitioner no. 4, all other injuries are simple in nature. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing suo motu has been heard.

5. Having regard to the nature of accusations and gravity of



offence alleged as well as the injury sustained by the informant on his hand which is said to be grievous in nature, attributed to the assault by Rajeshwar Rai petitioner no. 4, this Court is not inclined to grant anticipatory bail to him. The anticipatory bail petition on behalf of petitioner no. 4 Rajeshwar Rai stands dismissed.

6. As regards the remaining petitioners, namely, Lalan Yadav @ Lalan Rai, Vinod Yadav @ Binod Yadav @ Vinod Rai, Rajendra Rai, Bhikhu Rai and Ramesh Rai, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 841 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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