

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36780 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- BASANTPUR District- Siwan

1. Krishna Rai S/o Sheonath Rai
 2. Mantu Rai @ Mantu Kumar S/o Sheonath Rai
 3. Raju Rai S/o Jagranath Rai
 4. Bijali Rai S/o Late Daroga Rai
 5. Jagarnath Rai S/o Late Daroga Rai
 6. Baijnath Rai S/o Late Daroga Rai
 7. Arvind Rai @ Bhakole Rai S/o Late Sheonath Rai
- All are residents of village- Saharkola, P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-09-2019 Heard learned counsel for the petitioners and
learned APP representing the State.

The petitioners apprehend their arrest in connection with Basantpur P.S. Case No. 94 of 2019, registered under Sections 147, 148, 149, 379, 341, 323, 324, 325, 307, 448, 504 and 506 of the Indian Penal Code.

The allegation against the petitioners, as per FIR, is that petitioners along with other accused persons assaulted the informant and his nephew. From perusal of FIR it appears that specific allegation has been levelled against Raju Rai, he has



assaulted the informant by means of rod on his hand and one Tarkeshwar Rai assaulted the nephew by means of knife in the stomach and Mantu Rai assaulted son of the informant by means of *lathi*.

Learned counsel for the petitioners submits that altogether 15 persons have been made accused in the present case on trivial issues. He further submits that there is specific allegation of assault against Tarkeshwar Rai upon the nephew of the informant who is not petitioner before this Court, however relating to allegation against petitioner no.3 Raju Rai, learned counsel for the petitioner referring para 7 and 8 of the case dairy, submits that two witnesses have stated that assault upon the informant and his nephew was made by Tarkeshwar Rai and not by petitioner no.3, Raju Rai. Learned counsel for the petitioner thus submits that eye witnesses have not supported the allegation against the petitioner no.3, and allegation against other petitioners is general and omnibus in nature.

After having heard learned counsel for the parties and taking into consideration the fact that witnesses during course of investigation have not supported the allegation against petitioner no.3, allegation against other petitioners is not



specific and the same is general and omnibus in nature, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Basanpur P.S. Case No. 94 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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