

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52544 of 2018

Arising Out of PS. Case No.-177 Year-2015 Thana- CHIRAIYA District- East Champaran

1. Langat Rai, Son of Late Paldhari Rai
 2. Ranjeet Rai @ Sanjeet Kumar, Son of Nagina Rai
 3. Jiya Rai @ Jiyalal Rai, Son of Raghunath Rai
 4. Tawari Rai @ Tewari Rai, Son of Dhuri Rai
 5. Rajeshwar Rai, Son of Langat Rai
 6. Ramesh Rai, Son of Nandlal Rai
 7. Rajeshwar Rai, Son of Sri Rai
- All are Resident of Village- Akauna, P.S. Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar
For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are seeking anticipatory bail in connection with Chiraiya P.S. Case No. 177 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 325 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is a case and counter case as the petitioners happen to be the co-villagers and have got prior enmity. It is submitted that the petitioners have been falsely implicated in the present case by making general and omnibus allegations against all of them.



In the present case earlier by order of a learned coordinate Bench of this Court case diary was called for. This Court has perused the case diary. It is found that the informant was examined by the medical officer who found that four incised wounds were present on his person. The X-ray shows fracture of left humerus lower part and injury nos.1, 2 and 4 have been found to be grievous injuries caused by sharp cutting object.

It further appears that in course of investigation police has examined some witnesses who were present at the spot at the time of occurrence. The statements of witnesses Rajeshwar Sahni and Kismati Devi are present in paragraph 8, 9 and 10 of the case diary. These witnesses have named Rajeshwar Rai, son of Langat Rai, Ramesh Rai, son of Nandlal Rai, Tiwari Rai, Ram Vinay Rai, Jiya Rai and Sanjeet Rai who had allegedly participated in the alleged occurrence and had committed assault on the informant causing injuries. So far as petitioner no.1 Langat Rai and petitioner no.7 Rajeshwar Rai are concerned, they have not been named by the independent witnesses in the case diary.

In the facts and circumstances of the case, in case of their arrest or surrender within a period of four weeks from



today, let the petitioner no.1 Langat Rai and petitioner no.7 Rajeshwar Rai son of Sri Rai be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, District-East Champaran in connection with Chiraiya P.S. Case No. 177 of 2015, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

So far as the prayer for anticipatory bail of petitioner nos.2 to 6 is concerned, this Court is not inclined to grant them anticipatory bail. Hence, their prayer is rejected. In case the petitioner nos.2 to 6 surrender in the court below within a period of four weeks from today and pray for regular bail, the same shall be considered on the basis of the materials available on the record and without being prejudiced by the order of this Court refusing to grant anticipatory bail to them.

(Rajeev Ranjan Prasad, J)

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