IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48271 of 2018

Arising Out of PS. Case No.-220 Year-2018 Thana- MOTIHARI MUFASIL District- East Champaran

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1. Harishankar Rai @ Harish Chandra Rai
2. Naresh Rai, Both are Son of late Dahauar Rai
3. Awadhesh Sah, Son of Sri Rajendra Sah
4. Shanker Bhagat, Son of late Devaki Bhagat, All are Resident of Village- Chanahiya, P.S.- Muffasil, District- East Champaran, Motihari.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mrs. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 04-01-2019 Heard learned counsels for the petitioners and the State.

Since the petitioner no.1, Harishankar Rai has been arrested, application with regard to petitioner no.1 has already been withdrawn vide order dated 06.09.2018.

So far as petitioner nos. 2 to 4 are concerned, they are apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 232, 324, 307, 354B, 379, 504 and 506/34 of the IPC, Section 3/4 of the Prevention of Witch (Daain) Practices Act and Section 27 of the Arms Act.

The prosecution case, as per the written report of Amita Devi, dated 01.05.2018, submitted to the Station House Officer,

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Motihari Muffasil Police Station, is to the effect that on 30.04.2018, at 7.30 AM, the petitioners and 15 unknown persons armed with deadly weapons came when petitioner no.1, Harishankar Rai abused the informant in filthy language and ordered to shoot her. It is further alleged that petitioner nos. 2 to 4 disroped the informant. Petitioner no.1, Harishankar Rai administered night soil in the mouth of the informant, as a result, she started vomiting. Thereafter all the accused persons entered into the house of the informant when petitioner nos. 2 and 3, Naresh Rai and Awadhesh Rai, respectively resorted to fire, but it did not hit the informant. They also assaulted the informant with the butt of the country made pistol and when the mother-in-law, husband and son of the informant came to rescue her, they were also assaulted. It is further alleged that petitioner no.1, Harishankar Rai took away jewellery, worth Rs. 1 lac and Rs. 35,000/- cash amount whereas all the accused persons threatened the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. It is further submitted that the accusation against the petitioner nos. 2 to 4 is omnibus and general. The injury of the informant has been found to be superficial simple in nature. A

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statement has been made in paragraph no.3 of the petition that the petitioner nos. 2 to 4 are not having any criminal antecedent.

Learned APP submits that in the background of land dispute, the occurrence took place, however, injuries of the informant have been found to be simple.

Considering the genesis of the occurrence and accusation against petitioner nos. 2 to 4 being omnibus and general, coupled with the statement made in paragraph no.3 of the petition that the petitioner nos. 2 to 4 are not having any criminal antecedent, let the above named petitioner nos. 2 to 4 be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned CJM, Motihari in connection with Motihari Muffasil P.S. Case No. 220 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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