

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67548 of 2018

Arising Out of PS. Case No.-108 Year-2018 Thana- MAHUA District- Vaishali

1. Umesh Rai Son of Mahendra Rai
2. Arjun Rai Son of Binda Rai

Both Resident of Village- Fatehpur Pakri, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Sri Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-04-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Umesh Rai submitted before the Station House Officer, Mahua Vaishali Police Station is to the effect that on 09.05.2018 at 7.30 P.M., the informant was returning on a motorcycle, but on the way, eight accused persons including the petitioners, surrounded the informant and snatched Rs.500/- Rs.700/- and they also tried to snatch the motorcycle from the informant. On



protest being made by the informant, the accused persons assaulted on the head of the informant with knife. It is alleged that co-accused Shambhu Rai assaulted with knife, the petitioners Umesh Rai, Arjun Rai and co-accused Dinesh Rai, Pintu Rai, Rahul Rai, Niwas Kumar, Shrawan Kumar surrounded the brother of the informant and thereafter, the petitioner no.1 Umesh Rai assaulted on the head of the brother of the informant with butt of the pistol, while petitioner no.2 Arjun Rai assaulted on the head of the son of the informant, namely Pawan Kumar with an iron rod and another brother of the informant namely Dinesh Rai with lathi, danda. The accused persons also snatched Rs.4,000/- to Rs.5,000/- from the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 09.05.2018, the FIR was lodged on 11.05.2018. Though co-accused Pawan Rai and Awadhesh Rai are alleged to have assaulted with iron rod and butt of the pistol respectively, but the injuries on their person have been found simple and the accusation is omnibus and general against all the accused persons. It is further submitted that there is a counter case being Complaint Case No. 1156 of 2015/Tr. No.2041 of 2018 lodged by the father of petitioner no.1. A statement has been made in paragraph no.3 of the petition that the petitioners



are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation in the FIR against all the accused persons, including the petitioners.

Considering the fact that omnibus and general nature of accusation not being corroborated by the medical report coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur in connection with Mahua P.S. Case No.108 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

