

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58326 of 2019**

Arising Out of PS. Case No.-284 Year-2019 Thana- CHIRAIYA District- East
Champaran

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1. SANJAY RAI S/o Jagarnath Rai R/o Village- Baraitha, P.S.- Chiraiya, District- East Champaran
 2. Rajendra Rai @ Nanhak Ray S/o Late Baidnath Rai R/o village- Baraitha, P.S.- Chiraiya, District- East Champaran
 3. Kanhaiya Kumar @ Kanhaiya Rai S/o Birendra Rai R/o village- Baraitha, P.S.- Chiraiya, District- East Champaran
 4. Rambhu Rai S/o Yogendra Rai R/o village- Baraitha, P.S.- Chiraiya, District- East Champaran
 5. Dilip Kumar @ Dilip Rai S/o Shiv Mangal Rai R/o village- Baraitha, P.S.- Chiraiya, District- East Champaran
 6. Jaylal Rai @ Jailal Rai S/o Jagarnath Rai R/o village- Baraitha, P.S.- Chiraiya, District- East Champaran
 7. Jiyalal Rai S/o Late Ramaayodhya Ray R/o village- Baraitha, P.S.- Chiraiya, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Pravin Kumar, Advocate.
For the Informant : Mr. Pravin Kumar, Advocate.
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 143, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code registered in connection with Chiraiya P.S. Case No. 284 of 2019.

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. It is submitted that except the



injury sustained by the informant on the head, other injuries are simple in nature. The petitioner nos. 6 and 7 are accused in one prior case of different nature while the other petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard. Statement is made at the Bar on behalf of the informant that the informant has sustained injury on his head with hard blunt substance (simple) as well as on his elbow is grievous in nature, the later attributable to Rambhu Rai.

5. Having regard to the nature of accusations, gravity of the offences alleged and the specific accusation against Rambhu Rai (petitioner no. 4) causing grievous injury on the elbow of the informant, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 4. The anticipatory bail petition of petitioner no. 4 stands dismissed.

6. As regards the petitioner nos. 1, 2, 3, 5, 6 and 7, in the event of the petitioner nos. 1, 2, 3, 5, 6 and 7 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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikharahna, Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 284 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner nos. 1, 2, 3, 5, 6 and 7.

(ii) That the petitioner nos. 1, 2, 3, 5, 6 and 7 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 1, 2, 3, 5, 6 and 7 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.

(iv) That the petitioner nos. 1, 2, 3, 5, 6 and 7 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.

(Vikash Jain, J)

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