

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5912 of 2020**

Arising Out of PS. Case No.-223 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

1. RAMAYAN RAI @ RAMAYAN YADAV Son of Late Shiv Bachchan Rai Resident of Village- Bahrapur, P.S.- Baikunthpur, Distt- Gopalganj.
2. Mithlesh Rai @ Mithlesh Yadav S/o Ramayan Rai Resident of Village- Bahrapur, P.S.- Baikunthpur, Distt- Gopalganj.
3. Ramdeo Rai @ Ramdeo Yadav S/o Late Shiv Bachchan Rai Resident of Village- Bahrapur, P.S.- Baikunthpur, Distt- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-07-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Baikunthpur P.S. Case No. 223 of 2019 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in terms of the allegations the occurrence had taken place on 16.08.2019 whereas the present FIR has been instituted after three days. The parties are having old enmity and disputes and that it is difficult to believe that in the night hours without there being any source of light the informant could have identified all



the accused persons. It is informed that petitioner no. 1 and 2 have got five cases on their head but those five cases are under the Prohibition of Excise Act, 2016 and they are on bail in those cases. Petitioner no. 3 has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that in the first information report it is alleged by the informant who is the injured of this case that on the alleged date of occurrence all these accused persons including these petitioners came lashed with deadly weapons, petitioner no. 1 caught hold of the informant and while petitioner no. 2 gave a knife blow which was repeated and then petitioner no. 3 and other accused persons indiscriminately assaulted the injured.

Having regard to the facts and circumstances of the case wherein this Court finds that there are specific allegations against these petitioners of indiscriminately assaulting the injured who have made his statement from the emergency ward of Sadar Hospital, Gopalganj in injured condition, I am not inclined to grant privilege of anticipatory bail to the petitioners. Their prayer stands refused.

In case, petitioners surrender and pray for regular bail in the court below within a period of four weeks from today,



their prayer for regular bail shall be considered on it's own merit
without being prejudiced by the orders of this Court.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

