

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13794 of 2020**

Arising Out of PS. Case No.-125 Year-2015 Thana- KESARIA District- East Champaran

1. JITENDRA RAI @ JITENDRA YADAV S/o Yogi Rai Resident of Village- Sundrapur Malahi Tola, P.S.- Kesariya, Distt- East Champaran
2. Brij Kishore Rai S/o Late Rambabu Rai Resident of Village- Sundrapur Malahi Tola, P.S.- Kesariya, Distt- East Champaran
3. Dharamdeo Rai S/o Rekha Rai Resident of Village- Sundrapur Malahi Tola, P.S.- Kesariya, Distt- East Champaran
4. Mokhtar Rai S/o Late Adalat Rai Resident of Village- Sundrapur Malahi Tola, P.S.- Kesariya, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prabhat Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      26-06-2020                      Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 447, 323, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that while the



informant was feeding his cattle, the accused persons, variously armed, came and fired at him due to which he sustained injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is a case and counter case between the parties. A free fight is alleged to have taken place. Specific allegation of assault is alleged against co-accused namely Lakhinder Rai and Balinder Rai. As far as petitioners are concerned, no specific injury is attributed against them. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. -III, Motihari in connection with Kesariya P.S. Case No. 125 of 2015, G.R. No. 2423/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

Pankaj/-

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