

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11905 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- MADHUBAN District- East Champaran

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1. SURENDRA RAI Son of Jagdish Rai Resident of Village - Dumara, P.S.- Madhuban, District - East Champaran, Motihari.
 2. Ramesh Rai Son of Wakil Rai Resident of Village - Dumara, P.S.- Madhuban, District - East Champaran, Motihari.
 3. Ranjan Kumar Son of Birendra Rai Resident of Village - Dumara, P.S.- Madhuban, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.
For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-08-2020 Heard learned counsel for the petitioners and learned
APP for the State, through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Madhuban P.S. Case No. 10 of 2019 registered under sections 307, 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, eight named accused persons including the three petitioners herein are stated to have come variously armed and of having assaulted the informant and others. It is further stated that petitioner no. 1 gave a blow



with an iron rod on Ajay Rai. The cause of occurrence is stated to be land dispute.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to land dispute. Although the petitioners were named in the FIR but in course of investigation, the police did not find there accusation to be true. As such, the police on completion of investigation submitted charge sheet against others but the petitioners herein were shown as not sent up for trial. It is submitted that the learned Court below differing with the police report, has taken cognizance in the matter. A copy of the final report showing the petitioners as not sent up for trial has been brought on record as Annexure-2 to this petition. It is further submitted that petitioners do not have criminal antecedent and a number of co-accused including those named in the FIR, have been enlarged on bail, one of the orders granting anticipatory bail having been brought on record as Annexure-3 to the petition.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that on completion of



investigation, final report was submitted in the case showing the petitioners as not sent up for trial as also grant of anticipatory bail to other co-accused, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Madhuban P.S. Case No. 10 of 2019, they shall be enlarged on bail on each of them on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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