

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16617 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- DORIGANJ District- Saran

1. BIRESH RAI @ VIRESH RAI Son of Ramjeet Rai Resident of Village - Balwan Tola, P.S.- Doriganj, Distt - Saran at Chapra.
2. Prabhu Rai Son of Late Bhagwat Rai Resident of Village - Balwan Tola, P.S.- Doriganj, Distt - Saran at Chapra.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-11-2020 Heard learned counsel for the petitioners and learned

A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307 & 354 of the Indian Penal Code.

The prosecution case, in brief, while the informant was at her house, five accused persons including both the petitioners came and started abusing her due to dispute of pathway (rasta) and on the protest made by her, petitioner no.2 assaulted her on head by means of farsa and when she fell down others started assaulting her with rod and danda. Co-accused Kamlesh Rai hurled country made pistol and Sunil Rai took away a box from her house. Petitioner no.1 tore her blouse and co-accused Dinesh Rai snatched her golden chain.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to personal grudge. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is case and counter case between the parties. There is no specific allegation of assault against the petitioners. It is further submitted that the co-accused of this case have been granted anticipatory bail by the learned Sessions Judge, Saran at Chapra. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Doriganj P.S. Case No.160 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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