

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21138 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- KARJA District- Muzaffarpur

1. MOHAN RAI S/o Kamal Kishore Rai Resident of Village-Gawsara Tole Bangri, P.S-Karja, District-Muzaffarpur.
2. Birendar Rai S/o Late Basudeo Rai Resident of Village-Gawsara Tole Bangri, P.S-Karja, District-Muzaffarpur.
3. Lakshandeo Rai S/o Late Ramashish Rai Resident of Village-Gawsara Tole Bangri, P.S-Karja, District-Muzaffarpur.
4. Kamal Rai S/o Late Dhanpat Rai Resident of Village-Gawsara Tole Bangri, P.S-Karja, District-Muzaffarpur.
5. Uday Kumar S/o Kamal Rai Resident of Village-Gawsara Tole Bangri, P.S-Karja, District-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

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

6 02-12-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Karja P.S. Case No. 14 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 427, 435, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the alleged occurrence which took place on 18.01.2020 has given rise to a case as well as a counter case. Both the sides had entered into a scuffle when the son of the informant was allegedly assisting the Anganwadi Sevika



at the house of one Raj Kishore Rai in discharge of the official duty of the said Anganwadi Sevika. It is alleged that altogether 7 seven accused persons including these petitioners and 10 unknown persons duly armed with lathi appeared there. The free fight took place between the parties in which two persons from the petitioners' side and 5 from the other side suffered simple injuries.

Learned counsel submits that these petitioners have otherwise no criminal antecedents and in the nature of dispute which has given rise to scuffle between the parties, there being no specific allegation attributing any overt act to any of the petitioners, though there are general and omnibus allegations against all, the petitioners deserve privilege of anticipatory bail.

Learned APP for the State has submitted after going through the case diary that both the parties have indulged in the scuffle and persons from both sides suffered simple injuries. Learned APP has also submitted that though there are general and omnibus allegations against the petitioners of indulging in the alleged fight, no specific allegation has been made attributing any specific injury to these petitioners.

Having regard to the facts and circumstances of the case, taking note of the nature of the quarrel and the manner of alleged occurrence as also the fact that there is a case and counter case between the parties in which both sides seem to have indulged in free fight where the injuries are simple in nature and no specific allegation has been made against any of the petitioners causing any specific injury to the other sides, otherwise the petitioners have no criminal antecedent,



let in case of arrest or surrender the petitioners above named within a period of four weeks from today in connection with Karja P.S. Case No. 14 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J. M. Ist Class, Muzaffarpur, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application stands allowed.

(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'.

