

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26991 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- RAHUI District- Nalanda

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1. MONU RAUT S/o Bijendra Raut Resident of Village -Dhamauli Bigha, P.S.-Rahui (Wena), District-Nalanda.
 2. Manoj Raut S/o Bijendra Raut Resident of Village -Dhamauli Bigha, P.S.-Rahui (Wena), District-Nalanda.
 3. Bijendra Raut S/o Late Shoshan Raut Resident of Village- Dhamauli Bigha, P.S.-Rahui (Wena), District -Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Pushpa Sinha, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.



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

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Rahui (Wena) P. S. Case no. 38 of 2020 instituted for the offence under Sections 341, 323, 307, 379, 504, and 506/34 of the Indian Penal Code.

The allegation is that the petitioners have come to take away the paddy kept in the barn of the informant and on protest by the informant, the son and wife of the informant is also alleged to have been assaulted.

Petitioners' counsel submits that the prosecution case is false. Petitioners, having no criminal antecedents, and are all family members. It is further submitted that, in fact, the prosecution party were the aggressors. The occurrence has taken place based on a dispute with respect to rights of the paddy which was being produced in the lands. The petitioners have suffered injury in the process and in support thereof, Annexure-3 series has been enclosed. It is submitted that in fact, the



injuries sustained in the scuffle by the wife of the informant has been opined to be simple in nature and the implication of the petitioners is false.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Nalanda at Biharsharif, in connection with Rahui (Wena) P. S. Case No. 38 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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