

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79510 of 2019

Arising Out of PS. Case No.-180 Year-2019 Thana- NADI P.S. District- Patna

1. JAIBABU RAI, Son of Late Ganesh Rai, Resident of Village - Jethuli, P.S.- Nadi, District – Patna.
2. Vijendra Rai, Son of Jaibabu Rai, Resident of Village - Jethuli, P.S.- Nadi, District – Patna.
3. Satyendra Rai, Son of Jaibabu Rai, Resident of Village - Jethuli, P.S.- Nadi, District – Patna.
4. Bhushan Rai, Son of Jaibabu Rai, Resident of Village - Jethuli, P.S.- Nadi, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 16-06-2020 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

The injured, Rajeshwar Rai alleged that while he was protesting against the illegal activities of the accused persons during course of keeping *Ganja*, illegal arms behind his half constructed house, Sunil Kumar tried to shot at and during midst thereof, Satyendra gave rod blow causing injury over his left hand. Bhushan Rai gave rod blow and then, all the accused persons caught hold him, threw him on the ground and assaulted him with rod, butt of a gun, brick. Thereafter police came and lifted him to hospital.

Prayer for anticipatory bail of these petitioners were



rejected only on the basis of presence of criminal antecedent, while remaining were allowed to avail anticipatory bail by the order impugned.

From the P.O. so described under para 4 of the case diary it is evident that the land of Sunil Rai lies east to the P.O. land which happens to be the bone of contention amongst the parties. Apart from this, the mode of allegation and the nature of injuries did nullify the impact of presence of criminal antecedent more particularly when there happens to be land dispute.

Consequent thereupon, the petitioners, namely, Jaibabu Rai, Vijendra Rai, Satyendra Rai and Bhushan Rai in the event of their arrest or surrender within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- V, Patna City in connection with Nadi P.S. Case No.180 2019; subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Aditya Kumar Trivedi, J)

skpathak/-

U		T	
---	--	---	--

