

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83064 of 2019

Arising Out of PS Case No.-237 Year-2019 Thana- DESARI District- Vaishali

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1. Jay Rai @ Jay Jay Ram Rai, Aged about 45 years, Male Son of Krishnadev Rai Resident of Village - Kharagpur, P.S.- Desari (Chandpura O.P.) District - Vaishali.
 2. Sant Balli Rai, Aged about 40 years, Male, Son of Krishnadev Rai, Resident of Village - Kharagpur, P.S.- Desari (Chandpura O.P.) District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-01-2020

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

2. The petitioners apprehend arrest in connection with Desari PS Case No. 237 of 2019 dated 18.07.2019 instituted under Sections 341, 323, 324, 354, 376, 511, 379, 504, 506, and 307/34 of the Indian Penal Code.

3. The allegation against the petitioners and his other family members is of general and omnibus assault on the informant and his family members.

4. Learned counsel for the petitioners submitted that the parties are agnates and there is dispute relating to passage between



the house of the parties. It was submitted that the father of the petitioners had filed Complaint Case No. 2082 of 2019, which was sent to the police resulting in institution of Desari PS Case No. 235 of 2019 dated 18.07.2019 under Sections 341, 147, 323, 324, 379, 504 and 506 of the Indian Penal Code. It was submitted that as a counter blast, the present case has been lodged. Learned counsel submitted that against the petitioners, the allegation is general and omnibus, though against another co-accused, it is specific of causing injury by butt of pistol on the head of the informant. It was submitted that the petitioners have no other criminal antecedent.

5. Learned APP submitted that the petitioners are also accused of causing injury. However, he did not dispute the fact that against another co-accused, the allegation is specific of assault on the head by butt of countrymade pistol whereas, against the petitioners, it is general and omnibus, that too, on the legs and hands.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Desari P.S. Case No. 237 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. One of the bailors shall be a close relative of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case. Failure to cooperate shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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