

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1855 of 2020

Arising Out of PS. Case No.-176 Year-2019 Thana- PIPRAHI District- Sheohar

1. PAWAN RAY @ PAWAN KUMAR Son of Bihari Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
2. Rajdeo Ray Son of Baran Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
3. Rajesh Ray Son of Ramjatan Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
4. Subodh Ray Son of Ramdeo Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
5. Bihari Ray Son of Late Sevak Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
6. Lakhiya Kumari @ Anjani Kumari Daughter of Harinarayan Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
7. Nagendra Ray @ Nagindra Ray Son of Ramchandra Ray Resident of Village-Lalua, P.S-Piprahi, District-Sheohar.
8. Rajesh Ray Son of Dayali Ray Resident of Village-Gonhi, P.S-Patahi, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 10-09-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 302, 307, 323, 324, 436, 504 and 506 of the Indian Penal Code.



According to F.I.R., for land dispute, all the F.I.R. named accused persons attacked at the house of the informant committing arson and assault with different weapons in their hand, as a result whereof, niece of the informant died.

Learned counsel for the petitioners submits that the allegation is general and omnibus. I.O. has not found any sign of burning at the place of occurrence.

Learned counsel for the informant submits that some of the petitioners carries specific allegation and when several persons were involved in the occurrence, it was difficult to count individual act of the individual accused.

Allegation against the petitioner no.6 Lakhiya Kumari @ Anjani Kumari, who is an unmarried girl, is of committing arson along with others which is not supported by other witnesses of the occurrence including PW Mukesh Yadav examined by the police, hence let the **petitioner no.6 Lakhiya Kumari @ Anjani Kumari**, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending in connection with Piprahi P.S. Case No. 176 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner no.6 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner no.6.

(c) The petitioner no.6 shall not leave the country without permission of the trial Court.

Considering the nature of allegation against other petitioners, I am not inclined to enlarge them on anticipatory bail in connection with Piprahi P.S. Case No. 176 of 2019. Hence, their prayer for bail is refused.

They may surrender within 30 days and pray for regular bail.

Accordingly, the application stands disposed of.

(Birendra Kumar, J)

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