

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4464 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- RAJAPAKAR District- Vaishali

1. CHANDRA MOHAN RAI, Son of Sankar Rai, Resident of Village- Dayalpur (Baranti O.P.), P.S.- Rajapakar, District- Vaishali.
2. Prince Rai @ Prince Kumar, Son of Raju Rai, Resident of Village- Dayalpur (Baranti O.P.), P.S.- Rajapakar, District- Vaishali.
3. Ghuntun Rai @ Chandan Rai @ Chatun Kumar @ Ghuntun, Son of Ramjee Rai @ Ramji Rai, Resident of Village- Dayalpur (Baranti O.P.), P.S.- Rajapakar, District- Vaishali.
4. Pradum Rai @ Pradum Kumar, Son of Ramjee Rai @ Ramji Rai, Resident of Village- Dayalpur (Baranti O.P.), P.S.- Rajapakar, District- Vaishali.
5. Subodh Sah @ Subodh Kumar, Son of Basudeo Sah, Resident of Village- Dayalpur (Baranti O.P.), P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-02-2020 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of fardbeyan of Ankit Pandey recorded by Kundan Kumar Ojha, A.S.I. of Police Town Police Station on 21.10.2013 at 11.45 P.M. at emergency ward of Sadar Hospital, Hazipur is to the effect that on 19.10.2019, the son of the informant, Sahil Kumar was going



to attend his tuition classes through the house of petitioner no.3, Ghuntun Rai, but on the way, he was assaulted by him which was conveyed to the informant by his son. When the informant went to inquire about the incident, he was abused by petitioner no.3, Ghuntun Rai. Subsequently, on 20.10.2019 at 6.00-7.00 P.M., all the petitioners came and surrounded the informant whereupon, petitioner no.1, Chandra Mohan Rai assaulted on the head of the informant with butt of a country made pistol, causing bleeding injury. Petitioner no.2, Prince Rai gave knife blow on the arm of the informant, petitioner no.3, Ghuntun Rai gave knife blow on the head of the informant and petitioner no.4, Praduman Rai gave knife blow on the chest of the informant and petitioner no.5, Subodh Sah assaulted with iron rod on hand and leg of the informant. The petitioner no.3, Ghuntun Rai is also alleged to have taken away Rs.5000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that in the background of quarrel between the children, the accusation has been levelled against the petitioners and the injury has been found superficial, simple in nature. It is further submitted that subsequently the informant has retracted from the initial version and has filed a petition to that effect before the learned Court



below, as contained in Annexure-3 to the application. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioners in the FIR.

Considering the genesis of the occurrence, the nature of injury being caused to the informant and retracted version of the informant, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-XIII-cum-Sub Judge-XIV, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No.247 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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