

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19872 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- CHIRAIYA District- East Champaran

1. RAM JANAM RAI Son of Late Mansi Rai,
2. RAM KALI DEVI, Wife of Ram Janam Rai,
3. GIRIJA DEVI, Wife of Kapil Deo Rai
All Residents of Village- Khorha, Hasuaha, Tola, P.S.- Chiraiya, District-
East Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the
offence punishable under Sections 302, 307, 341, 323, 325, 324,
504, 506 and 34 of the Indian Penal Code and 27 of Arms Act.

Allegation against the petitioners alongwith other
accused persons is to have assaulted the informant and his
family and one person died due to gun shot.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is land dispute between the parties and both parties are Pattidar / Gotiya. There is case and counter case between the parties and there is general and omnibus allegation against the petitioners. There is no overt act against the petitioners and there is specific allegation of firing against co-accused, namely, Punyadav Rai who fired upon Ramkewal Rai which hit on his chest and he died. The petitioners are languishing in judicial custody since 19.10.2020. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioners and submit that the petitioners had assaulted and threatened to kill them. Petitioners have criminal antecedent but mentioned in para-3 of the bail application, petitioners have no criminal antecedent.

Considering the facts that there is general and omnibus allegation and there is no specific overt act against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five



thousand) each with two sureties of the like amount each in connection with Chiraiya P.S. Case No. 282/2020 to the satisfaction of learned Court below where the case is pending/ successor Court.

However, the learned court below is directed to verify the criminal antecedent of the petitioners before accepting the bail bonds and if any criminal antecedent against the petitioners are found, petitioners would not be released on bail.

(Anjani Kumar Sharan, J)

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