

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29302 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- JALALPUR District- Saran

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1. GUDESH RAI Son of Jagannath Rai Resident of Village- Gamharia Fazil Chapra, Police Station- Jalalpur, District- Saran (Chapra)
 2. Rupesh Kumar @ Rupesh Rai Son of Jagannath Rai Resident of Village- Gamharia Fazil Chapra, Police Station- Jalalpur, District- Saran (Chapra)
 3. Rajeev Rai @ Rajeev Kumar Yadav Son of Bisheshwar Rai Resident of Village- Gamharia Fazil Chapra, Police Station- Jalalpur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-10-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners submit that he does not intend to press this application with regard to petitioner no. 1 and 3, as they have been arrested and this application with regard to their prayer for bail has become infructuous.

Petitioner no. 2 apprehends his arrest in a case registered for the offence punishable under Sections 147, 341, 323, 324, 307, 379, 427, 504 and 506 of the Indian Penal Code.

Informant in his written complaint has alleged that on 29.11.2020 at about 8:30 pm while he was in his furniture shop, on account of previous land dispute, FIR named accused along

with five unknown miscreants variously armed entered his shop and started abusing and co accused Gudesh Rai assaulted him from the butt of pistol on his head and when his co-villagers Rameshwar Pandit, Pravin Kumar, Aman Kumar and Suresdh Pandit came to pacify the matter then Visheshwar Rai assaulted Aman Kumar on his head by Dabia, co-accused Rajiv Rai assaulted Praveen Kumar by Farsa on his head and co -accused Rupesh Rai assaulted Rameshwar Pandit on his Cheek by Knife and thereafter further allegation is of taking away cash and other jewellery from his shop.

Learned counsel for the petitioner no. 2 submits that he is innocent and has been falsely implicated in this case due to land dispute. This case is counter blast of Jalalpur P.S. Case No. 237 of 2020 which was instituted by co-acused Rajeev Rai against the Informant. Injury sustained by Informant (Naveen Kumar) has been annexed as Annexure-2 in which nature of injury has been opined by the Doctor to be simple in nature caused by hard and blunt object, which does not support the allegation made by Informant against the petitioner no. 2. Petitioner no. 2 has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 2 named above be released on

anticipatory bail in the event of his/her/their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond(s) of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Jalalpur P.S. Case No. 236 of 2020**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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