

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30617 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- DIGHWARA District- Saran

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1. HARENDRA RAI Son of Late Mawal Rai Resident of Village - Basti Jalal Bichala Tola, P.S.- Dighwara, District - Saran
 2. Birendra Rai @ Birendra Kumar Son of Late Mawal Rai Resident of Village - Basti Jalal Bichala Tola, P.S.- Dighwara, District - Saran
 3. Rameshwar Rai Son of Jalim Rai Resident of Village - Basti Jalal Bichala Tola, P.S.- Dighwara, District - Saran
 4. Vishal Kumar Son of Hareesh Rai Resident of Village - Basti Jalal Bichala Tola, P.S.- Dighwara, District - Saran
 5. Sudhir Rai Son of Birendra Rai Resident of Village - Basti Jalal Bichala Tola, P.S.- Dighwara, District - Saran
 6. Manish Kumar Rai @ Pintu Kumar Son of Jagdish Rai Resident of Village - Basti Jalal Bichala Tola, P.S.- Dighwara, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mrs. Reeta Verma, APP.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-01-2021 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners has filed an undertaking to remove all the defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. Mr. Shakil Ahmad Khan, learned counsel for the petitioners states that Rameshwar Rai, petitioner no.3 has already been arrested and seeks permission to withdraw the anticipatory bail petition as against him, as the same has become infructuous.

3. Permission is accorded. Anticipatory bail petition as against Rameshwar Rai, petitioner no. 3 is permitted to be withdrawn and is dismissed as such.



4. The petitioner nos. 1, 2, 4, 5 and 6 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code, registered in connection with Dighwara P.S. Case No. 372 of 2019.

5. It is submitted that petitioner nos. 1, 2, 4, 5 and 6 have been falsely implicated and there is land dispute between the parties, who are agnates. Specific accusation of assault has been made against petitioner nos. 5 and 6, whereas such accusation is general and omnibus as against remaining petitioners, all of whom claim clean antecedents.

6. Learned APP appears and invites reference to the impugned order, in which it has been noted, inter alia, that the injuries of Satish Rai are found to be grievous in nature.

7. Having regard to the nature of accusations, gravity of offence alleged, injury and specific accusation against petitioner nos. 5 and 6, this Court is not inclined to grant the privilege of anticipatory bail to petitioner nos. 5 and 6 namely, Sudhir Rai and Manish Rai @ Pintu Kumar. The bail petition as against them stands dismissed.

8. As regards remaining petitioners i.e. petitioner nos. 1, 2 and 4 namely, Harendra Rai, Birendra Rai @ Birendra Kumar and Vishal Kumar respectively, in the event of their arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara P.S. Case No. 372 of 2019, subject to the conditions as laid down under Section



438(2) Cr. P.C., if they are not otherwise required in any other case.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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