

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34959 of 2020

Arising Out of PS. Case No.-622 Year-2020 Thana- MADHAURAH District- Saran

1. Subhash Rai S/o Late Chhathu Rai, Resident of Village-Baidapur, Police Station-Madhaura, District-Saran (Chapra).
2. Sujit Rai S/o Subhash Rai, Resident of Village-Baidapur, Police Station-Madhaura, District-Saran (Chapra).
3. Suraj Rai S/o Subhash Rai, Resident of Village-Baidapur, Police Station-Madhaura, District-Saran (Chapra).
4. Suhani Kumari D/o Subhash Rai, Resident of Village-Baidapur, Police Station-Madhaura, District-Saran (Chapra).
5. Nabui Devi W/o S/o Subhash Rai, Resident of Village-Baidapur, Police Station-Madhaura, District-Saran (Chapra).
6. Shrawan Kumar Rai S/o Ram Balak Rai, Resident of Village-Ema Sheikhpura, Police Station-Madhaura, District-Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-03-2021 Heard both sides.

The petitioners apprehend their arrest in Morhowrah (Madhaura) P.S. Case No.622 of 2020 registered under Sections 341, 323, 324, 307, 447 and 34 of the Indian Penal Code.

The informant alleged that while he was cleaning water logged in his door, the accused persons having armed with different weapons came there and on the order of Subhash Rai (petitioner no.1), his son Subodh Rai (not petitioner) pierced a



spear in his abdomen and thereafter all the accused persons assaulted him with fists and slaps.

Learned counsel for the petitioners submits that the petitioners are next door neighbours of the informant. There is specific allegation of piercing a spear in the abdomen of the informant against Subodh Rai. Only one injury was found on the informant. Petitioner no.1 is alleged to have exhorted and no specific allegation of assault is made against petitioner nos.2 to 6.

From perusal of the records, it appears that on instigation of Subhash Rai (petitioner no.1), his son Subodh Rai pierced a spear in the abdomen of the informant and only one injury was found on the person of the informant, which is opined to be grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioner no.1 (Subhash Rai) on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1 is rejected.

So far the case of petitioner nos.2 to 6 is concerned, only omnibus and general allegation of assault with fists and slaps is made against them but the informant got only one injury which is attributed to Subhash Rai (petitioner no.1). The



petitioners are co-sharers of the informant.

Taking into condensation the facts aforesaid, petitioner nos.2 to 6 (Sujit Rai, Suraj Rai, Suhani Kumari, Nabui Devi and Shrawan Kumar Rai) in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Morhowrah (Madhaura) P.S. Case No.622 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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