

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35506 of 2020

Arising Out of PS. Case No.-224 Year-2020 Thana- MASHRAK District- Saran

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1. Anil Rai, aged about 26 years, Gender-Male, Son of Haricharan Rai.
 2. Haricharan Rai, aged about 55 years, Gender-Male, Son of Late Timal Rai.
- Both resident of Village- Jajauli, PS- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh, Advocate
For the State	:	Mr. Md. Arif, APP
For the Informant	:	Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dewendra Narayan Singh, learned counsel for the petitioners; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Binod Kumar Sinha, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Mashrakh PS Case No. 224 of 2020 dated 01.05.2020, instituted under Sections 147, 148, 341, 323, 307, 354B, 379, 384, 448, 504 and 506 of the Indian Penal Code.



4. The petitioners along with others are accused of having assaulted the informant and her other family members and specifically against other co-accused, there is overt act alleged whereas against the petitioners, it is general and omnibus of having assaulted the two daughters and nephew of the informant.

5. Learned counsel for the petitioners submitted that besides the petitioners having no criminal antecedent, there is land dispute between the parties and there is also a counter case filed from the side of the petitioners for the same incident. Learned counsel submitted that the allegation against the petitioners is only general and omnibus of assault with iron rod on the two daughters and nephew of the informant, but the injuries are simple in nature.

6. Learned APP submitted that there is allegation of assault against the petitioners also. However, it was not controverted that the same is general and omnibus, as far as the petitioners are concerned and specific against other co-accused.

7. Learned counsel for the informant submitted that as per the allegation, the petitioners also assaulted the two daughters and nephew of the informant. However, he also could not controvert that the allegation is general and omnibus against the petitioners and two other co-accused.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Saran at Chapra in Mashraikh PS Case No. 224 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.



10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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