

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35269 of 2020

Arising Out of PS. Case No.-65 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. RAJINDER RAI @ RAJINDRA RAI SON OF GAGANDEV RAI
RESIDENT OF VILLAGE - NAVIN GANDHI NAGAR, (SOUTH
HUSSAINI), POLICE STATION - DUMARIYAGHAT, DISTRICT - EAST
CHAMPARAN
 2. RADHA SHYAM @ RADHESHYAM RAI SON OF RAJINDRA RAI
RESIDENT OF VILLAGE - NAVIN GANDHI NAGAR, (SOUTH
HUSSAINI), POLICE STATION - DUMARIYAGHAT, DISTRICT - EAST
CHAMPARAN
 3. GHANSHYAM KUMAR SON OF RAJINDER RAI RESIDENT OF
VILLAGE - NAVIN GANDHI NAGAR, (SOUTH HUSSAINI), POLICE
STATION - DUMARIYAGHAT, DISTRICT - EAST CHAMPARAN
 4. SURENDRA YADAV @ SUKHARI SON OF LATE RAMJIT RAI
RESIDENT OF VILLAGE - NAVIN GANDHI NAGAR, (SOUTH
HUSSAINI), POLICE STATION - DUMARIYAGHAT, DISTRICT - EAST
CHAMPARAN
 5. SHANTI DEVI DAUGHTER OF LATE RAMJIT RAI RESIDENT OF
VILLAGE - NAVIN GANDHI NAGAR, (SOUTH HUSSAINI), POLICE
STATION - DUMARIYAGHAT, DISTRICT - EAST CHAMPARAN
 6. DHARMENDRA YADAV @ DHARAMENDAR YADAV SON OF
SATDEV RAI RESIDENT OF VILLAGE - NAVIN GANDHI NAGAR,
(SOUTH HUSSAINI), POLICE STATION - DUMARIYAGHAT,
DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period



of four weeks.

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

The petitioner nos. 2 to 6 are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons came at the door of the informant and started abusing them. When the protest was made, the accused persons started assaulting the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioners that the petitioner nos. 2 to 6 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 to 6. The petitioner nos. 2 to 6 have falsely been implicated in the present case. There is no allegation of assault alleged against petitioner nos. 2 to 6 for causing injury to the deceased. There is a case and counter case between the



parties. A free fight is alleged to have taken place. The injuries on the side of accused persons are not explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that petitioner nos. 2 to 6 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 to 6, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Dumariyaghat P.S. Case No. 65 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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