

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- RAGHOPUR District- Vaishali

1. PAPPU RAI Son of RAJU RAI Resident of Village - Mohanpur, P.S. - Raghapur, District - Vaishali
2. Rahul Kumar @ Rahul Rai Son of Raju Rai Resident of Village - Mohanpur, P.S. - Raghapur, District - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Mishra
For the Opposite Party/s :	Mr.Arun Kumar Pandey
	Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-12-2021 Heard the parties.

The petitioners apprehend their arrest in a case in connection with Raghapur P.S. Case No.74/2020, registered for the offence punishable under Sections 147/ 149/ 448/ 341/ 323/ 307/ 302 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons have assaulted one Arjun Rai by means of lathi, rod, farsa etc. due to which he received several injuries. It is further alleged that on alarm, the informant and his brother reached there but they were also assaulted by the accused persons. The said Arjun Rai was brought to hospital but he died during treatment.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. There is case and counter-case between the parties and the present case is counter blast of Raghapur P.S. Case No.80/2020 lodged by one Tetar Rai against the informant of the present case and others. There is no specific allegation of assault against the petitioners. The allegations are general and omnibus in nature. Both sides are agnates and there is a land dispute between the parties. On the alleged date of occurrence, a free fight took place between the parties, in which both sides have received injuries. The petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that although there is general and omnibus allegation against the petitioners but they were involved in the present occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioners named above.

Accordingly, the instant anticipatory bail application is dismissed.



However, the petitioners are directed to surrender before the learned court below within a period of four weeks from today and seek regular bail.

The learned court below is directed to consider and dispose of the case of the petitioners, on the same date, in accordance with the merits of the case without being prejudiced by the dismissal of the present application.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

