

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5526 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- LALGANJ District- Vaishali

1. RAVINDRA RAI SON OF LATE DAROGA RAI RESIDENT OF VILLAGE- SARARIYA, P.S.- LALGANJ, DISTRICT- VAISHALI
2. LALBABU RAI @ LAL BABU RAY SON OF NAGENDRA RAI RESIDENT OF VILLAGE- SARARIYA, P.S.- LALGANJ, DISTRICT- VAISHALI
3. PAVAN KUMAR @ PAWAN KUMAR SON OF RAVINDRA RAI RESIDENT OF VILLAGE- SARARIYA, P.S.- LALGANJ, DISTRICT- VAISHALI
4. PANKAJ KUMAR @ PANKAJ RAI SON OF RAVINDRA RAI RESIDENT OF VILLAGE- SARARIYA, P.S.- LALGANJ, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-03-2021 Heard both sides.

The petitioners apprehend their arrest in Lalganj P.S. case No. 103/2020 registered under Section 341, 323, 307, 324, 504, 506/34 of the IPC and u/s 27 of Arms Act.

The informant alleged that on the date of occurrence she went to her field to see her wheat crops but she saw that Niranjana Kumar Rai, Pawan Kumar and his family members were harvesting her wheat crops. When the informant asked them not to harvest the crops, the accused persons started



abusing her. Pappu Rai, son of the informant, came and also objected only thereafter, Birendra Rai, Ravindra Rai, petitioner No.1, Sita Devi, Lalbabu Rai, petitioner No.2, Pankaj Kumar, petitioner No.4, and Pawan Kumar, petitioner No.3, having armed with different weapons came. Gautam Kumar assaulted Pappu Rai with sword. Ramnath Rai stabbed Pappu Rai with sword in his stomach. Amit Kumar and Aman Kumar also assaulted Pappu Rai with sharp edged weapon thereafter all the accused persons assaulted Pappu Rai, son of the informant.

The learned counsel for the petitioners submits that there is no allegation of assault against the petitioners. Similarly situated accused Niranjan Kumar Rai, Pawan Kumar, son of Niranjan Rai, and Amit Kumar have already been granted anticipatory bail vide order dated 18.01.2021 passed in Cr. Misc. No. 38306 of 2020 by a coordinate Bench of this court and the case of petitioners stands on better footing as no allegation of assault is made against the petitioners. It is submitted that injuries are found to be simple in nature.

The learned APP, however, opposed the prayer for anticipatory bail but does not dispute that similarly situated accused have already been granted anticipatory bail.

Taking into consideration the facts aforesaid and the



fact that petitioners are, of course, named in the FIR but no specific allegation of assault is made against them and similarly situated accused have already been granted anticipatory bail, the petitioners, above named, in the event of their arrest/ surrender before the 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 their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IX, Vaishali at Hajipur in connection with Lalganj P.S. case No. 103/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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