

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13778 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- GANGABRIDGE District- Vaishali

1. Shambhu Rai, Son of Yogendra Rai Resident of Village- Chhaukiya, P.S.- Ganga Bridge, District- Vaishali
2. Panchchi Rai S/o Yogendra Rai Resident of Village- Chhaukiya, P.S.- Ganga Bridge, District- Vaishali
3. Rambali Rai S/o Yogendra Rai Resident of Village- Chhaukiya, P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31384 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- GANGABRIDGE District- Vaishali

Harendra Rai, S/O Yogendra Rai Resident of Village-Chhaukiya, P.S.-Ganga Bridge, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13778 of 2022)

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Lalan Kumar

(In CRIMINAL MISCELLANEOUS No. 31384 of 2022)

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Ganga

Bridge P.S. Case No. 95 of 2021, registered for the offences



punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of Indian Penal Code.

As per allegation, while the informant was engaged in thrashing wheat crops in his field, co-accused, Bijendra Rai came there and started abusing him, but matter was pacified by the co-villagers. It has further been alleged that after some time, Bijendra Rai came to the door of the informant and started abusing and assaulting him by means of sword on his head. When family members of the informant came there to rescue him, they were assaulted by several accused persons including the petitioners.

The learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that allegation against them is general and omnibus in nature. He further submits that even the injury of all the alleged victim are simple in nature except that of one Vinod Rai who has been allegedly assaulted not by the present petitioners but by the co-accused Bijendra Rai, who is not a petitioner herein. He also submits that the main allegation is against the accused



Bijendra Rai, who has allegedly assaulted the informant. He further submits that many of the similarly situated co-accused persons, namely, Yogendra Rai, Ganesh Rai, Nitish Kumar, Vinip Rai, Vikash Rai and Raushan Rai have already been enlarged on bail by a co-ordinate Bench of this Court vide order date 25.07.2022, passed in Cr. Misc No. 1471 of 2022. The learned counsel for the petitioners further submits that the petitioner nos. 1 and 2 of Cr. Misc. No. 13778 of 2022 have been languishing in jail since 30.11.2021, whereas the petitioner no. 3 has been languishing in jail since 24.12.2021. The petitioner of Cr. Misc. No. 31384 of 2022 has been languishing in jail since 06.03.2022.

It is also stated in paragraph no. 2 of the Cr. Misc. No. 13778 of 2022 that the petitioner no. 3 has earlier moved before this Court vide Cr. Misc. No 1471 of 2021. With regard to other petitioners in both the application, it has been stated that they have never moved before this Court.

It has further been stated in paragraph 3 of the Cr. Misc. No. 13778 of 2022 that the petitioners have earlier



been made accused in four other cases, namely, Ganga Bridge P.S. Case No. 389 of 2008, Ganga Bridge P.S. Case No. 19 of 2014, Ganga Bridge P.S. Case No. 54 of 2020 and Complaint Case No. 251 of 2014.

It has further been stated in paragraph no. 3 of Cr. Misc. No. 31384 of 2022 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hazipur in connection with Ganga Bridge P.S. Case No. 95 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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