

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21644 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- DHURAIYA District- Banka

1. BHAVESH RAI Son of Late Ganesh Rai
2. Sandeep Rai S/O - Bhavesh Rai
3. Amit Rai S/O - Bhavesh Rai
4. Pinku Rai S/o - Bhavesh Rai
5. Roushan Rai S/O - Sandeep Rai
6. Ranjan Rai S/O Sandeep Rai

All Residents of Village - Shasan, P.S. - Dhuraiya, Dist. - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Saroj Shandilya, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-06-2022 By order dated 05.04.2021, the prayer for anticipatory bail of petitioner no. 1, namely, Bhavesh Rai, has already been dismissed as withdrawn.

Learned counsel for the petitioners submits that during the pendency of the present anticipatory bail application petitioner no. 3, namely, Amit Rai died, as such, the prayer for anticipatory bail application against him has become infructuous and, thus, seeks permission to withdraw the same.

Permission is accorded.

Heard learned counsel for petitioner nos. 2, 4, 5 and 6 and learned A.P.P. for the State.



The petitioner nos. 2, 4, 5 and 6 apprehend their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 307, 354, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner nos. 2, 4, 5 and 6 submits that petitioner nos. 2 and 4 have antecedent of two cases but the cases were filed from the side of present informant only as they are Gotiya.

Petitioner No. 5 is alleged to have thrown the mother of the informant on the ground and petitioner no. 2 and 4 are alleged to have assaulted Ajay Rai on his head by iron rod.

Learned counsel submits that petitioner nos. 2, 4, 5 and 6 are Gotiyas and, as such, they are on litigating term and, thus, the informant has falsely implicated them in the present case. It is next submitted that police after investigation did not find the case to be true against petitioner no. 4 and 6 as is evident from the supervision report of the Dy.S.P. Learned counsel for the petitioner nos. 2, 4, 5 and 6 submits that it is true that supervision report has no relevance as it is not part of the investigation but for the purposes of anticipatory bail, the same can be taken into consideration. It is also submitted that the allegation against petitioner no. 2, 4 and 6 is general and



omnibus in nature and as far as the injury on Ajay Rai is concerned has been found to be simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioner nos. 2, 4, 5 and 6, the petitioner nos. 2, 4, 5 and 6 above-named, in the event of their arrest or 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhoraiya P.S. Case No. 333 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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