

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19002 of 2022

Arising Out of PS. Case No.-182 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. GANESHI RAY S/O JUGUL RAI RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR
2. LALAN RAI S/O GANESHI RAY RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR
3. KALESHWAR RAI @ KELEWAR RAI S/O GANESHI RAY RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR
4. BHOLA RAI S/O SOBHINDRA RAI RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR
5. WAGINDRA RAI S/O PRAGAS RAI RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR
6. DARESH RAI S/O SOBHINATH RAI RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR
7. SARWIN RAI S/O PRAGAS RAI RESIDENT OF VILLAGE- SHARIF NAGAR, P.S.- TARIYANI, DISTRICT-SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s :	Mr. Uma Shankar Prasad Singh
	Mr. Hari Kishore Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application with regard to petitioner nos. 1 and 6.

Permission is accorded.

The petitioner nos. 2, 3, 4, 5 and 7 apprehend their



arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

The informant alleges that he had brought some jewellery for his daughter's marriage and when he was returning and was at litchi orchard of Kishori Sah, he was intercepted by the accused persons and was assaulted, it is next alleged that petitioner no.2 assaulted with pistol butt and injured the informant, petitioner no. 7 assaulted his son-in-law on nose, Nanki Rai assaulted his son-in-law with gadasa injuring him and petitioner no. 4 assaulted Mithilesh Devi causing fracture of the wrist and thereafter it is alleged that unidentified accused, who were present at the place of occurrence, also indulged in assaulting and even petitioner no. 1 took Rs. 20,000/- from informant's brother's pocket.

Learned counsel for the petitioners submitted that petitioner nos. 2, 3, 4, 5 and 7 are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that as far as petitioner no. 2 is concerned, he is alleged to have assaulted the informant with pistol butt, but then the injuries suffered by the informant is simple in nature. Learned counsel very fairly submits that petitioner no. 7 is



alleged to have assaulted the son-in-law of the informant along with Nanki and his injury is grievous, then the injury suffered by Mithilesh Devi is also simple as it has been specifically pleaded at paragraph '13' to the anticipatory bail application.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and learned counsel for the informant submits that petitioner no. 2 though in the anticipatory bail application has stated that he is a person with clean antecedent but then he has antecedent of two cases being, Tariyani of P.S. Case No. 68 of 2020, dated 03.05.2020 and Meenapur P.S. Case No. 489 of 2014 dated 16.12.2014.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3, 4 and 5, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Minapur P.S. Case No. 182 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



The learned trial court before accepting the bail bonds of petitioner no. 2 shall verify his criminal antecedents and if on verification, it is found that petitioner no. 2 has antecedent and the same was conceded before this Court, then the present anticipatory bail order shall not be acted upon with regard to petitioner no. 2.

As far as petitioner no.7 is concerned, the Court is not inclined to extend privilege of anticipatory bail to him. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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