

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30601 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- CHIRAIYA District- East Champaran

1. SHREE RAI S/o Late Yogendra Rai Resident of Village- Dharaharwa, P.S.- Chiraiya, District- East Champaran.
2. Vidyanand Rai S/o- Late Yogendra Rai Resident of Village- Dharaharwa, P.S.- Chiraiya, District- East Champaran.
3. Mishrilal Rai S/o- Late Yogendra Rai Resident of Village- Dharaharwa, P.S.- Chiraiya, District- East Champaran.
4. Ram Sagar Rai S/o- Late Yogendra Rai Resident of Village- Dharaharwa, P.S.- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner Nos. 1 & 4 as during pendency of this application, they have been taken into judicial custody.

Permission is granted.



Accordingly, this application with regard to petitioner Nos. 1 & 4 is dismissed as withdrawn.

The petitioner Nos. 2 & 3 are apprehending their arrest in Chiraiya P.S. Case No. 11 of 2021 registered under Sections 341, 323, 307, 354, 379 and 504/34 of the Indian Penal Code.

Prosecution case in short is that due to petty feud of cutting soil, the dispute arose. While the informant was cutting soil in her field, the accused persons having different weapons came and prevented from doing so and in consequence thereof, assaulted the informant and her family members. Cash is also said to have been snatched away.

It has been submitted on behalf of the petitioner Nos. 2 & 3 that there is no allegation of tampering of witnesses alleged against them. The petitioner Nos. 2 & 3 have been falsely implicated in the present case. Both parties are agnates. The nature of injury is said to be simple. A petition vide Annexure-3 to this petition has been filed by the informant wherein she has retracted from her earlier statement made in the FIR.

On behalf of the State, it is submitted that the petitioner Nos. 2 & 3 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 2 & 3, above named, in the event of



arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Sikrahna at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 11 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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