

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32096 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- DERNI BAZAR District- Saran

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1. Vinod Rai Son Of Dharmdeo Rai Resident of Village - Pojhi, P.S.- Derni, Distt.- Saran at Chapra.
 2. Dharmdeo Rai Son of Jaleshwar Rai @ Dharmdeo Rai Resident of Village - Pojhi, P.S.- Derni, Distt.- Saran at Chapra.
 3. Renu Devi W/O Vinod Rai Resident of Village - Pojhi, P.S.- Derni, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rajani Kumari, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 1, namely Vinod Rai has already been arrested and as such his anticipatory bail application has become infructuous.

As prayed, the anticipatory bail petition as against petitioner no. 1 namely, Vinod Rai is permitted to be withdrawn and is dismissed as such.

Heard learned counsel for the petitioners (except



petitioner no. 1) and learned APP for the State.

The petitioners (except petitioner no. 1) are apprehending their arrest in a case registered for the offences punishable under Sections 341, 447, 323, 307, 425, 504/34 of the Indian Penal Code.

According to prosecution case, it is alleged by the informant Dharmendra Kumar that on 14.12.2019 around 6:30 PM when he was sitting at his door, then the accused petitioners came to him hurling abuses saying as he is creating disturbance in their liquor business. When the informant made protest, then the accused Vinod Rai caused injury with iron rod on his head. When his mother kanti Devi came to rescue then accused Dharmdeo Rai dashed and knocked her down and accused Renu Devi started pressing her neck with intention to kill during which she snatched gold chain from the neck of Kanti Devi. Accused Vinod Rai also took away an attache from the house of the informant containing gold and silver ornaments worth Rs. Two lacs. The informant was taken to P.H.C. Parsa from where, seeing his condition serious he was referred to Sadar Hospital, Chapra.

Learned counsel for the petitioners (except petitioner no. 1) submits that the petitioners have clean antecedents and



they have been falsely implicated in the present case. In fact, there is land dispute between the parties and the present case is counter blast of Derni P.S. Case No. 07 of 2020 filed by co-accused Vinod Rai against the father of the informant and others on 06.01.2020. He further submits that it appears from the F.I.R. that the date of occurrence is 14.12.2019 but the present F.I.R. was instituted on 27.02.2020 without giving any explanation of delay. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners (except petitioner no. 1), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Derni P.S. Case No. 31 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following



conditions :-

(1) Petitioners (except petitioner no. 1) shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 1) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no. 1) and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 1). However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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