

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33837 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- AKILPUR District- Saran

1. AWADHESH RAI Son of Late Saheb Rai Resident of Village - Purani Panapur, P.S. - Akilpur, Dist. - Saran.
2. Suresh Rai Son of Late Rambadan Rai Resident of Village - Purani Panapur, P.S. - Akilpur, Dist. - Saran.
3. Joker Rai @ Rajeshwar Rai Son of Late Ram Ekbal Rai Resident of Village - Purani Panapur, P.S. - Akilpur, Dist. - Saran.
4. Kaladeo Rai @ Sudeshwar Rai Son of Radheshyam Rai Resident of Village - Purani Panapur, P.S. - Akilpur, Dist. - Saran.
5. Chhotu Kumar @ Chotu Rai Son of Late Girijan Rai Resident of Village - Purani Panapur, P.S. - Akilpur, Dist. - Saran.
6. Birendra Kumar Son of Late Girijan Rai Resident of Village - Purani Panapur, P.S. - Akilpur, Dist. - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 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.

Learned counsel for the petitioners seeks permission
of the Court to withdraw the present application in respect of
petitioner no. 2 as he has been taken into judicial custody.



Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

The petitioner nos. 1 and 3 to 6 are apprehending their arrest in a case registered under Sections 141, 341, 323, 324, 307 and 379 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that while the informant was returning from the field, the accused persons, variously armed, attacked and fired at him due to which he received injury.

It has been submitted on behalf of the petitioner nos. 1 and 3 to 6 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 and 3 to 6. The petitioner nos. 1 and 3 to 6 have falsely been implicated in the present case. The allegation of assault is alleged against the co-accused namely Santosh Rai and Damodar Rai. So far as petitioner nos. 1 and 3 to 6 are concerned, general and omnibus allegation is alleged against them. No specific overt act is alleged against petitioner nos. 1 and 3 to 6. So far petitioner no. 4 is concerned, he is also alleged to have fired but did not cause injury to anyone. The incident is said to have taken place on 9.8.2020 for which F.I.R. has been



instituted on 18.8.2020. The delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner nos. 1 and 3 to 6 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3 to 6, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Chapra in connection with Akilpur P.S. Case No. 59/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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