

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38574 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- CHIRAIYA District- East Champaran

PUNYADEO RAI Son of Ram Janam Rai Resident of Village- Khodha,
Hasuwaha Tola,P.S.- Chiraya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40033 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- CHIRAIYA District- East Champaran

1. AJEET RAI Son of Binda Rai Resident of Village Khodha, Hashuwaha Tola, P.S. Chiraiya, District - East Champaran.
2. Premi Rai Son of Ramjanam Rai Resident of Village Khodha, Hashuwaha Tola, P.S. Chiraiya, District - East Champaran.
3. Shivnath Rai Son of Ram Janam Rai Resident of Village Khodha, Hashuwaha Tola, P.S. Chiraiya, District - East Champaran.
4. Dipak Rai @ Deep Narayan Rai Son of Devanand Rai Resident of Sapgdha, P.S. Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38574 of 2021)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

For the Informant : Mr. Jitendra Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 40033 of 2021)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, Advocate

For the Informant : Mr. Jitendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-05-2022 Earlier vide order dated 22.03.2022, the petition of
petitioner no.3 Shivnath Rai has already been dismissed as



withdrawn.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302, 307, 341, 323, 325, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioners is that co-accused Dipak Rai shot fired upon Santosh Rai and Punyadeo Rai fired upon the husband of the informant who succumbed to the injury.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that petitioner, namely, Ajeet Rai and Premi Rai have general and omnibus allegation of assault. So far petitioner Ajeet Rai and Premi Rai are concerned, there is allegation of assault upon Hakim Rai and Daroga Rai but the injury report is not annexed in the case diary and they have got clean antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid submissions, let the petitioners, namely, Ajeet Rai and Premi Rai in the event of their



arrest or surrender before the court below within a period of four 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 ACJM-4, Sikiarhana at Dhaka, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 282 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioners, namely, Dipak Rai @ Deep Narayan Rai and Punyadeo Rai are concerned, there is direct allegation of opening fire due to which the informant's husband and her son suffered injuries. The informant's husband succumbed to the injuries, as such, their prayer for anticipatory bail is rejected.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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