

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41531 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- CHIRAIYA District- East Champaran

1. Sujit Rai Son of Krit Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
2. Krit Rai Son of Late Anchit Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
3. Chandrika Rai Son of Late Anchit Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
4. Shree Rai Son of Late Anchit Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
5. Rajababu Yadav Son of Rajesh Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
6. Ramesh Rai Son of Daroga Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
7. Manohar Rai Son of Daroga Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
8. Sachidanand Kumar Son of Shiv Kumar Rai @ Shree Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
9. Daroga Rai Son of Anchit Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.
10. Arbind Yadav Son of Chandrika Rai Resident of Village - Katkuiya, P.S. - Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Ravindra Kumar, learned counsel for the
petitioners as well as learned Additional Public Prosecutor for



the State.

The petitioners apprehend their arrest in connection with Chiraiya P.S.Case No.167 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 324/34 of the Indian Penal Code.

As per prosecution case, it is alleged that all the FIR named accused persons variously armed came and assaulted the informant due to removal of Nad-Khutta from the land. It is further alleged that co-accused Rajesh Rai assaulted with Farsa blow on the head of the informant and other accused persons assaulted him with lathi. Petitioner no. 1 Sujit Rai assaulted Manish with iron rod on his nose. It is also alleged that accused persons snatched his valuables.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted on behalf of the learned counsel for the petitioners that there are general and omnibus allegations against all these petitioners. So far as specific allegation of assault is concerned, the same has been attributed to Rajesh Rai. It is further submitted that the petitioners have been implicated in the case due to land dispute and so far as the injury which is



said to have been sustained by the informant is simple in nature.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that petitioners are named in the FIR and they have actively participated in the alleged crime.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation levelled against all the petitioners, apart from the fact that the injuries sustained by the informant is attributed to co-accused Rajesh Rai and moreover, the same was found to be simple in nature and there is land dispute between the parties, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sikrahna in connection with Chiraiya P.S.Case No. 167 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.



(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

N.K/-

U		T	
---	--	---	--

