

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44179 of 2021

Arising Out of PS. Case No.-89 Year-2019 Thana- KESARIA District- East Champaran

1. Alok Rai Male, aged about 28 years, Son of Kedar Rai.
2. Vinay Rai @ Vinay Kumar, Male, aged about 50 years, Son of Kedar Rai.
3. Sanjay Rai, Male, aged about 20 years, Son of Baban Rai.
4. Ujjawal Rai, aged about 32 years, Son of Vinay Rai @ Vinay Kumar.
5. Baban Rai, aged about 50 years, Son of Lakhveer Rai.
All resident of Village-Kushhar, P.S-Kesariya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :	Ms. Anita Kumari, Advocate
	Mr. Manjeet Kumar Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-04-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

At the outset, learned counsel for the petitioners have submitted that during the pendency of this anticipatory bail application, the petitioner nos. 2 and 3 have been arrested and as such, the same has become infructuous. He, therefore, seeks permission to withdraw the application as against petitioner nos. 2 and 3.

In view of the aforesaid submissions, the application



is dismissed as withdrawn as having become infructuous as against petitioner nos. 2 and 3.

Heard the learned counsel for the petitioner nos.1, 4 and 5, learned Additional Public Prosecutor for the State, as well as learned counsel for the informant.

The petitioner nos. 1, 4 and 5 apprehend their arrest in connection with Kesariya P.S. Case No. 89 of 2019 registered for offence punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

As per the allegation, six named accused persons came with Lathi and Farsa etc. The allegation against co-accused Vinay Rai is that he assaulted the informant with Farsa on his head. The other co-accused persons have also assaulted him.

Learned counsel for the petitioner nos. 1, 4 and 5 has submitted that much prior to the present occurrence, petitioner Vinay Kumar had lodged Kesariya P.S. Case No. 5 of 2019 against the members of the informant side. He has submitted further that there is no specific allegation against petitioner nos. 1, 4 and 5 to assault the informant, rather the allegation against them is of general and omnibus. He has also submitted that the petitioners are the persons of clean antecedents.



Considering the above mentioned facts and circumstances, **the petitioner nos. 1, 4 and 5 namely, Alok Rai, Ujjawal Rai and Baban Rai** above named, in the event of their arrest or surrender, within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- III, Motihari, East Champaran in connection with Kesariya P.S. Case No. 89 of 2019, subject to condition as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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