

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38341 of 2022

Arising Out of PS. Case No.-426 Year-2020 Thana- SONEPUR District- Saran

1. Mithilesh Kumar @ Mithlesh Rai S/o Late Nand Kishore Rai R/o village- Rahimpur, P.S.- Sonepur, District- Saran
2. Anil Rai @ Anil Kumar S/o Chinta Rai R/o village- Rahimpur, P.S.- Sonepur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Sonepur P.S. Case No. 426 of 2020 registered for the offence under Sections 447, 342, 323, 324, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 13.04.2022.

The allegation against the petitioners is to assault the informant and family members, alongwith other co-accused



persons, armed with lathi, rod etc., causing bodily injury to the informant and others.

Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to assault, against these petitioners is very much general and omnibus, rather same is specific against co-accused, namely, Harendra Rai, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 35636 of 2020 dated 01.02.2021. It is further submitted that the occurrence is founded over land dispute, where informant and others received injury, which was found simple in nature, negating intention to cause death. While concluding the argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation against these petitioners, as regard to assault, is very much general and omnibus, rather same is specific against co-accused coupled with the fact that



chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Sonapur P.S. Case No. 426 of 2020 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 Chief Judicial Magistrate, Saran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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