

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40195 of 2022

Arising Out of PS. Case No.-82 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. Subodh Rai S/O Kapal Rai R/O Village- Nathu Tola, P.S.- Bathnaha, District- Sitamarhi
2. Bhikhar Rai @ Bhikhari Rai S/o Rajdeo Rai R/o village- Nathu Tola, P.S.- Bathnaha, District- Sitamarhi
3. Jalandhar Rai S/o Ganesh Rai R/o village- Nathu Tola, P.S.- Bathnaha, District- Sitamarhi
4. Virendra Rai @ Birendra Rai S/o Bindeshwar Rai R/o village- Nathu Tola, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-11-2022 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 341, 323, 379, 324, 354, 307, 504, 506, 34

of the Indian Penal Code. Later on Section 302 I.P.C

was also added.

It appears that earlier vide order dated

28.10.2021, the petition with respect to the petitioners



was permitted to be withdrawn.

It is a case of assaulting by the accused persons including the petitioners due to which the father of the informant sustained injuries and subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioners that in the background of some land dispute, the present F.I.R has been registered. It is further submitted that the occurrence is alleged to have taken place on 14.05.2020 but the father of the informant died on 13.12.2020 after six months of the occurrence. Moreover, It is alleged that father of the informant was assaulted by many co-accused persons but the injury report and the postmortem report which has been mentioned in para 26 and 27 of the case diary suggest that the deceased sustained only one lacerated wound on scalp caused by hard and blunt substance and the cause of death was due to septicemia, shock and anemia leading to CR failure due to chronic illness. There is



general and omnibus allegation against the petitioner and no specific overt act has been alleged against the petitioners. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, 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 Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 82 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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