

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52079 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. Vakil Rai @ Wakil Rai @ Wakeel Prasad Yadav S/o Late Bhoj Rai R/o village- Sirsa, P.S.- Baikunthpur, District- Gopalganj
2. Upendra Rai S/o Wakil Rai @ Wakeel Prasad Yadav R/o village- Sirsa, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-04-2022 Heard counsel for the parties.

The petitioners are in judicial custody since 27.7.2021 in connection with Baikunthpur P.S. Case No. 229 of 2021 registered under sections 341, 323, 379, 324, 447, 448, 504, 354, 307 and 34 of the Indian Penal Code.

The prosecution story as unfold in the FIR is that accused persons including the petitioner no.1 herein were ploughing the field of the informant. When he objected to that it is alleged that they started abusing and beating him. Upon hearing the noise, his nephew arrived who was also assaulted. It is further alleged that eight other accused persons including some ladies arrived at the place and one Dharmendra Rai



assaulted his nephew Sunil Kumar. As a result, he sustained injury on his head. Further allegation is that Sheopujan Rai tried to outrage the modesty of the Gyanti Devi and also took away Rs. 35000/-. It has been stated that they used brick bats and sticks to assault the informant's side.

Learned counsel for the petitioner submits that specific allegation has been made against Dharmendra Rai that he assaulted on the head of the informant's nephew. Other than that, omnibus allegation has been made against the accused persons including the petitioners herein who are father and son thus they too assaulted. He has further brought to this Court's notice an order passed by this Court in Cr. Misc. No. 52048 of 2021 dated 29th November, 2021 by which the petitioner Nos.1 to 5 and 7 to 9 who were on similar footing with that of the petitioners have been granted the privilege of anticipatory bail. It is further submitted that the accused Dharmendra Rai against whom specific allegation has been made has also been granted privilege of bail by the learned court below after submission of charge-sheet and as such he submits that these petitioners too deserve bail.

Having gone through the facts of the case, I am satisfied that there is an omnibus allegation against the



petitioners herein like the others co-accused and since some of them have already been granted the privilege of anticipatory bail (as also the fact that accused Dharmendra Rai too has been granted bail by the learned court below), these petitioners are also entitled to bail.

The charge-sheet has already been submitted in the matter and as such there is no question of tampering with the evidence.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 229 of 2021.

The bail application is allowed with the aforesaid observations.

(Rajiv Roy, J)

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