

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1569 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- RIGA District- Sitamarhi

1. RAJKUMARI DEVI W/o Nand Kishore Sah Resident of Village - Shivnagar, P.S.- Riga, Distt.- Sitamarhi.
2. Rubi Devi W/o Sanjay Kumar Sah Resident of Village - Shivnagar, P.S.- Riga, Distt.- Sitamarhi.
3. Vivek Kumar Son of Nandkishore Sah Resident of Village - Shivnagar, P.S.- Riga, Distt.- Sitamarhi.
4. Dhananjay Kumar Son of Nandkishore Sah Resident of Village - Shivnagar, P.S.- Riga, Distt.- Sitamarhi.
5. Vijay Kumar Sah @ Vijay Kumar Son of Nandkishore Sah Resident of Village - Shivnagar, P.S.- Riga, Distt.- Sitamarhi.
6. Arjun Kumar Son of Pannilal Sah (In FIR wrongly Mention Nandkishore Sah) Resident of Village - Madhuban Vishwanathpur, P.S.- Malangwa, Distt.- Sarlahi, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 31-03-2022 At the outset it is submitted by learned counsel for the petitioners that he seeks permission to withdraw this application against petitioner nos. 1 and 2.

Permission is accorded.

This application is dismissed as withdrawn only against petitioner nos. 1 and 2.

Now learned counsel for the petitioners is pressing this application for rest of the petitioners.



Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been filed by them apprehending their arrest in connection with Riga P.S. Case no. 213 of 2020 instituted for the offence punishable under Sections 341, 323, 307, 379, 454/34 of the Indian Penal Code.

As per allegation in the FIR, several accused persons including the FIR named petitioners entered into the house of the informant at night with a view to commit dacoity, on protest made by the informant then by means of danda, rod, bricks and farsa accused persons started to assault the informant and her family members. They also snatched gold ornaments of the informant. It is further alleged that after two months of the alleged occurrence, father-in-law of the informant succumbed to the injuries.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. Specific allegation of assault to the father-in-law of the informant is against co-accused Nand Kishore Sah and not against these petitioners. Injuries received



by the informant and his family members are simple in nature. There is case and counter case. Members of both sides have received injuries. The scuffle took place due to land dispute.

Learned APP appearing for the State as well as learned counsel for the informant have opposed the prayer of Bail and submitted that there is specific allegation of assault is against petitioner no. 4 and 5, who had given rod blow on the head of the father-in-law of the informant. With an intention to kill him, they have also assaulted him brutally by means of iron chain, resulting into severe bleeding. This is not a fit case to grant anticipatory bail to the petitioners.

In view of the fact that there is specific allegation of assault against petitioner nos. 4 and 5, mentioned in para no. 38 of the case diary, I am not inclined to grant them bail. Application of bail stands rejected against petitioner nos. 4 and 5.

So far as petitioner nos. 3 and 6 are concerned, having heard learned counsel for the parties and considering the fact that there is no specific allegation of assault against petitioner nos. 3 and 6, this Court is inclined to enlarge the petitioner nos. 3 (Vivek Kumar) and petitioner no. 6 (Arjun Kumar) on bail. Both are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Riga P.S. Case no. 213 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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