

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61767 of 2021**

Arising Out of PS. Case No.-632 Year-2020 Thana- CHANPATIA District- West Champaran

1. BRIJNANDAN RAY @ VRIJNANDAN RAI S/o LATE NARSINGH RAI R/o VILLAGE-BHANGAHA, P.S- CHANPATIYA, DISTRICT-WEST CHAMPARAN.
2. LALAN RAI S/o LATE NARSINGH RAI R/o VILLAGE-BHANGAHA, P.S- CHANPATIYA, DISTRICT-WEST CHAMPARAN.
3. PANKAJ KUMAR RAY S/o BRIJNANDAN RAY @ VRIJNANDAN RAI R/o VILLAGE-BHANGAHA, P.S- CHANPATIYA, DISTRICT-WEST CHAMPARAN.
4. SATYAM RAI @ SATYAM KUMAR RAI S/o LALAN RAI R/o VILLAGE-BHANGAHA, P.S- CHANPATIYA, DISTRICT-WEST CHAMPARAN.
5. RUPESH KUMAR RAI S/o LALAN RAI R/o VILLAGE-BHANGAHA, P.S- CHANPATIYA, DISTRICT-WEST CHAMPARAN.
6. PAVITRAM KUMAR RAI @ PAVITRAM KUMAR S/o CHANDRABHUSHAN RAI R/o VILLAGE-BHANGAHA, P.S- CHANPATIYA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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|-----------------------|------------------------------------|
| For the Petitioner/s: | Mr. Bimlesh Kumar Pandey, Advocate |
| For the State:        | Mr. Jitendra Kumar Singh, A.P.P.   |
| Opposite party:       | Sachidanand Rai, Advocate.         |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      08-06-2022      Learned counsel for the petitioner seeks permission to withdraw this bail application on behalf of petitioner no.1, Brijnandan Ray @ Vrijnandan Rai as he has been arrested during the pendency of this application. Accordingly, this bail application on behalf of petitioner no. 1, above named, is dismissed as withdrawn.

Heard learned counsel for the parties.

Learned counsel for the petitioners are permitted to re-



move defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek anticipatory bail in connection with Chanpatiya (Kumarbagh) O.P. P.S. Case No. 632/2020, registered for the offences under Sections 341, 323, 324, 307, 325, 327, 379, 387, 504, 506, 34 of the I.P.C.

The main allegation against the petitioner nos. 2 to 6 is that all of them assaulted the informant by means of Lathi, Fatta and Dab and also made extortion demand from him.

The main submissions advanced by learned counsel for the petitioners are that both the parties are close relative. There is land dispute in between the parties and only one grievous injury has been found at the person of the informant and the same was found at hand i.e. non-vital part of his body. The allegation of extortion demand is completely absurd and improbable.

Learned Additional Public Prosecutor as well as learned counsel for the informant has opposed the prayer of bail and submitted that allegation against petitioner no. 4, Satyam Rai, @ Satyam Kumar Rai, is to have assaulted the informant with Dab.

Having considered the above submissions and nature of the injuries sustained by the informant which are alleged to have been caused by the petitioner nos. 2, 3, 5 and 6, who are relatives of the informant, let the petitioner nos. 2, 3, 5 and 6 above named, in the event of their arrest/surrender within four weeks from today in the



court below, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya (Kumarbagh) O.P. P.S. Case No. 632/2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as the prayer of petitioner no. 4 is concerned, as he is specifically alleged to have inflicted a Dab blow at the head of the informant which gets corroboration from his injury report and said injury has been opined to be caused by a cutting object as appears from the Annexure-2 and the case is under investigation, the petitioner no. 4 does not deserve to anticipatory bail, accordingly his prayer stands rejected. However, if the petitioner surrenders before the court below, within 20 days from the date of this order then the learned court below will decide his prayer on merit, without being prejudiced by the present order.

**(Shailendra Singh, J)**

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