

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4002 of 2023

Arising Out of PS. Case No.-92 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. HAPPY KUMAR YADAV Son of Rajesh Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 2. SURESH RAI Son of Dashrath Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 3. MADAN RAI Son of Hira Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 4. BIRENDRA RAI Son of Radha Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 5. UPENDRA RAI Son of Bal Kishore Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 6. CHUMAN RAI Son of Heera Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 7. DASHRATH RAI Son of Late Kamu Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran
 8. AJAY RAI Son of Bal Kishore Rai R/v- Narainpur Banpurwa, P.S.- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-03-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 324, 307, 504, 506 of the IPC.

Allegedly, the F.I.R. named accused persons including the petitioners indiscriminately assaulted the informant's side by



means of various weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The injuries are simple in nature. Petitioners have no criminal antecedent and similarly situated co-accused namely Rajesh Rai has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.09.2022 passed in Cr. Misc. No.72165/2021.

Learned APP for the State opposed the prayer for bail by submitting that there is allegation the petitioner no.1 is to assault the injured Kapildeo Rai, who has sustained three injury, out of which, one injury is grievous in nature, mentioned in the impugned order itself.

Since, the grievous injury is alleged to have been inflicted by the petitioner no.1, I am not inclined to grant anticipatory bail to the petitioner no.1. The prayer for grant of anticipatory bail on behalf of petitioner no.1 is rejected.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature, let the above named



petitioner nos.2 to 8, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Dumariaghat P.S. Case No.92 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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