

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13385 of 2023**

Arising Out of PS. Case No.-190 Year-2021 Thana- SALIMPUR District- Patna

1. ADITYA RAI @ RAJESH RAI @ RAJESH KUMAR Son of Ram Babu Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
2. Nitish Kumar son of Ram Babu Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
3. Ranjan Kumar Son of Birendra Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
4. Pujan Rai @ Pujan Kumar Son of Late Ramishlok Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
5. Jitendra Kumar Son of Late Umesh Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
6. Vinay Rai Son of Late Munarik Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
7. Surendra Rai son of Late Munarik Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
8. Shyam Babu Rai Son of Late Suresh Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
9. Sanjay Rai @ Sanjay Kumar Son of Late Suresh Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
10. Raushan Kumar @ Raushan @ Aman Kumar Son of Surendra Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
11. Arvind Kumar @ Arvind Rai Son of Late Mahendra Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
12. Anil Kumar @ Anil Rai Son of Shyam Bihari Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
13. Sunil Rai Son of Shyam Bihari Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
14. Pankaj Kumar Son of Janta Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna
15. Shyam Bihari Rai Son of Late Ramji Rai R/V- Kaladiyara, P.S- Salimpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Usha Kumari Singh, Advocate  
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**



ORAL ORDER

2      22-05-2023                      Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Salimpur P.S. Case No. 190 of 2021 instituted under Sections 147, 148, 149, 323, 307, 354, 379, 504, 354 of the Indian Penal Code and 27 of Arms Act lodged on 01.12.2021 by the informant Parmanand Rai.

As per the prosecution story, the informant has given fardbeyan 30/11/2021 stating therein that on 29/11/2021 at about 4.30 PM, the daughter-in-law of the informant coming to her house after casting her vote in Panchayat Election and on the way, nineteen named persons were standing. It is further alleged that all the named persons surrounded the victim namely Nilu Devi and started misbehaving. She raised 'hulla' whereafter the informant and his nephew Dahaur Rai reached there. Allegation is that Janta Rai assaulted with iron rod on his head with a view to kill while Ram Babu Rai assaulted with butt of the rifle which hit on the mouth of the informant. One C.P. Kumar & Bijay Rai assaulted with farsa/iron rod on the head of the nephew of the informant namely Dahaur Rai.

It is further alleged that Aditya Rai @ Rajesh and Jitendra Kumar snatched gold 'Mangal Sutra' from the neck of



the victim Nilu Kumari. Rs 30 Thousand was also snatched by C.P. Kumar from the pocket of the informant. The cause of the dispute has been attributed to Panchayat Election. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioners that the main allegation is against C.P. Kumar, Janta Rai, Ram Babu Rai, Bijay Rai and Aditya Rai of assaulting the informant's side. So far as the present petitioners are concerned omnibus allegation is there.

Further, it is matter of case and counter case in which the informant's side also sustained injuries. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the omnibus



allegation has been made against the petitioner, the specific allegation is/are against the aforesaid named accuseds they will be cooperating with the police in the investigation and will have to ultimately face the trial, this Court is inclined to extend the privilege of anticipatory bail, subject to fulfillment of undertaking.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Salimpur P.S. Case No. 190 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Barh, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two



consecutive dates without plausible reason will entail  
cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned  
police station every fortnight for next six months to mark  
attendance;

(v) the petitioners shall in no way try to induce or  
promise or threat the witnesses or tamper with the evidences,  
failing which the State shall be at liberty to take steps for  
cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any  
criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan/  
Sunil

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

