

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10367 of 2023

Arising Out of PS. Case No.-386 Year-2021 Thana- CHIRAIYA District- East Champaran

1. RAMAKANT RAI SON OF VISHNU RAI RESIDENT OF VILLAGE- BHEDIYAH, P.O.- PATJILWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
2. UMAKANT RAI SON OF BISUN RAY RESIDENT OF VILLAGE- BHEDIYAH, P.O.- PATJILWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
3. PAPPU KUMAR SON OF SHIVNATH RAY RESIDENT OF VILLAGE- BHEDIYAH, P.O.- PATJILWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN
4. MOHAN RAY @ MOHAN RAI SON OF BISUN RAY RESIDENT OF VILLAGE- BHEDIYAH, P.O.- PATJILWA, P.S.- CHIRAIYA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar
For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 27-03-2023 In view of the order dated 24.03.2023, the application of petitioner no.1 Ramakant Rai has already been dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 2 to 4 and the learned A.P.P. for the State.

The petitioners apprehend arrest in connection with Chiraiya P.S. Case No. 386 of 2021 registered under Sections 341, 323, 308, 379, 504 and 506/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and have falsely been implicated in the present case due to land dispute. There is no specific allegation against the petitioners except petitioner Mohan Ray @ Mohan Rai. It is further submitted that petitioners have no criminal antecedent.

Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of the petitioner no. 4 Mohan Ray @ Mohan Rai by contending that there is direct allegation of assault on the head of niece of the informant by means of *Hasuli* with intention to kill her. The injury report also corroborates the allegation as alleged. Hence, he does not deserve to be enlarged on anticipatory bail.

Having considered the facts and circumstances of the case as well as submissions advanced on behalf of the State, prayer of the petitioner no. 4 Mohan Ray @ Mohan Rai for grant of anticipatory bail is rejected.

So far as prayer of petitioner nos. 2 and 3 are concerned, their prayer for grant of anticipatory bail is allowed.

Let the above named petitioner nos. 2 and 3 be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bonds to the satisfaction of Sub-Judge-



IV-cum-A.C.J.M., Sikrahan at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 386 of 2021, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Arvind Srivastava, J)

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