

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18973 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- MAIRWAN District- Siwan

1. DINANATH RAJBHAR @ DINA NATH BHAR S/O LATE BABURAM RAJBHAR Resident of Village- Mudiyari, P.S.- Mairwa, District- Siwan.
2. SHAMPATI DEVI @ SHANPATIYA @ SHAMPATO DEVI W/O DINANATH RAJBHAR Resident of Village- Mudiyari, P.S.- Mairwa, District- Siwan.
3. UGESH RAJBHAR @ YUGESH RAJBHAR S/O DINANATH RAJBHAR Resident of Village- Mudiyari, P.S.- Mairwa, District- Siwan.
4. ANITA DEVI W/O UGESH RAJBHAR Resident of Village- Mudiyari, P.S.- Mairwa, District- Siwan.
5. MITHILESH KUMAR @ MITHILESH RAJBHAR S/O DINANATH RAJBHAR Resident of Village- Mudiyari, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2023 Heard Mr. Ajay Kumar Pandey, learned counsel

 appearing on behalf of the petitioners and Mr. Ahmad Ali,

 learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mairwa P.S. Case No. 113 of 2022, dated 20.03.2022, registered under Sections 341, 323, 337, 324, 307, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that while the



informant was cooking food, the accused persons named in the F.I.R. attacked with lethal weapon. The specific allegation of assault is against petitioner no. 3 namely Ugesh Rajbhar @ Yugesh Rajbhar and petitioner no. 5 namely Mithilesh Kumar @ Mithilesh Rajbhar, against whom allegation of having caused head injury has been alleged.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and there is admitted land dispute between the parties, as such false accusation has been made against the petitioners, in spite of the fact that no such incident had taken place, as alleged in the F.I.R. The injury which has been sustained by the informant is not grievous. However, he admitted that the Doctor has kept the opinion reserved with regard to the injury.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made against petitioner no. 3 and 5, I am not inclined to enlarge



the above named petitioner nos. 3 and 5 on pre-arrest bail. The bail application of above named petitioner nos. 3 and 5 are rejected.

7. However, petitioner nos. 1, 2 and 4 are concerned, let the above named petitioner nos. 1, 2 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Siwan in connection with Mairwa P.S. Case No. 113 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner nos. 1, 2 and 4 and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

9. So far as above named petitioner nos. 3 and 5 are concerned, they may surrender before the learned Court Below and file a regular bail application within a period of



three weeks.

10. The regular bail application of petitioner nos. 3 and 5 are directed to be heard and decided on the same day, on the date when the bail application is moved by the petitioners without being prejudiced by any order.

11. Till three weeks, no coercive steps is required to be taken against petitioner nos. 3 and 5.

(Purnendu Singh, J)

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