

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17317 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- RAXAUL District- East Champaran

1. ARUN KUMAR @ ARUN SAH S/O KISHORILAL SAH @ KISHORI SAH R/v- Bada Pareuwa Ward No. 16, P.S.- Raxaul, District- East Champaran
2. MOHAN LAL SAH @ MOHAN SAH S/O LATE MOTI LAL SAH R/v- Bada Pareuwa Ward No. 16, P.S.- Raxaul, District- East Champaran
3. KRISHNA KUMAR @ KRISHNA SAH S/O MOHAN LAL SAH @ MOHAN SAH R/v- Bada Pareuwa Ward No. 16, P.S.- Raxaul, District- East Champaran
4. VIKASH KUMAR GUPTA @ VIKASH SAH @ VIKASH KUMAR S/O NANDLAL SAH R/v- Bada Pareuwa Ward No. 16, P.S.- Raxaul, District- East Champaran
5. RAVISH KUMAR @ YOGESHWAR KUMAR @ JOGESHWAR SAH S/O CHANDRADEV PRASAD @ CHANARDEO SAH R/v- Bada Pareuwa Ward No. 16, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard the parties.

The petitioner are apprehending arrest in connection with Raxaul P.S. Case No 203 of 2022 for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 448, 504 and 506 of the I.P.C. lodged on 26.04.2022 by the informant Subodh Kumar Singh.

The prosecution story, in brief, is that on the night of 26.04.2022, the informant was sitting at his door along with his



uncle Munna Sah. Only then Kamleshwar Shah, Nandlal Shah, Ravi Shah, Shashi Sah, Anu Sah, Ketan Sah, Om Kumar Sah, Arun Kumar Sah, Mohan Sah, Krishna Sah, Rajkumar Sah, Vikas Sah, Kishan Kumar and Ravish Kumar armed variously surrounded them and on the order of Nandlal Sah Ketan Sah, Krishna Sah, Rajkumar Sah and Anus Sah slammed him and further on the orders of Ketan Sah, Shashi Kumar Sah, Munna assaulted. When the informant's cousin Karan Kumar came, Kamleshwar Sah injured him by hitting him on the head with a sword. Further on the order of Kamleshwar Shah, Anu Kumar, Krishna Kumar Sah and Ketan Sah caught hold of both the hands and legs of the informant and tried to choke his neck. When the people of the village and family came, everyone ran away but not before taking the watch. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioners that so far as petitioner nos. 1,2 and 4 are concerned, omnibus allegation of assault is there. Regarding petitioner no. 3, it has been alleged that he caught hold of the victim and so far as petitioner no. 5 is concerned, allegation of snatching the watch has been alleged.

It has been further submitted that the injury report is on record by way of Annexure-2 series which shows that the



injuries are simple in nature. The last submission is irrespective of the outcome of the present case and without accepting the allegation, the petitioner would like to give Rs. 5,000/- each (total Rs. 25,000/-) towards medical assistance to the informant.

Learned APP opposes the prayer stating that each and every petitioner have been assigned one or the other role in the F.I.R.

Considering the aforesaid facts that the allegations is/are omnibus in nature and the injuries have found to be simple in nature, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5000/- each by the five petitioners.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran, in connection with Raxaul P.S. Case No 203 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) 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;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(iv) 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;

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/-Kiran

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