

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14622 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. NITISH KUMAR Son of Ram Narayan Rai @ Shambhu Rai Resident of Village- Dhanhara, P.S.- Runnisaidpur, District- Sitamarhi.
2. Satish Kumar Son of Ram Narayan Rai @ Shambhu Rai Resident of Village- Dhanhara, P.S.- Runnisaidpur, District- Sitamarhi.
3. Ram Narayan Rai @ Shambhu Rai Son of Ram Snehi Rai Resident of Village- Dhanhara, P.S.- Runnisaidpur, District- Sitamarhi.
4. Bindhyavashni Devi Wife of Ram Narayan Rai @ Shambhu Rai Resident of Village- Dhanhara, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Basant Kumar Tripathy, Adv.
For the Opposite Party/s	:	Mr.Manoj Kumar, APP
For the Informant	:	Mr.Ashok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-04-2023 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 341, 323, 325, 307, 504, 34 of the IPC and later on section 302 of the IPC was added.

As per the prosecution case, all the F.I.R. named accused persons came armed variously surrounded the father of the informant and indiscriminately assaulted him and threw him beside the road assuming him dead. His father after gaining consciousness in the hospital narrated the occurrence before the



police and thereafter he died during course of treatment.

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 informant and petitioners are the own family members and petitioner no.4 is a lady. There is an admitted land dispute between the parties. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering that petitioner no.4 is a lady, let the above named petitioner no.4, be released on bail, in the event of her 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) 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 Runnisaidpur P.S. Case No.588 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



However, considering the nature of offence, I am not inclined to enlarge the petitioner nos.1 to 3 named above, on anticipatory bail. The prayer for grant of bail on their behalf is hereby rejected.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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