

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15725 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- RAMGARHWA District- East
Champaran

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1. RAJESH DAS S/O MOHAN DAS Resident of village- Murla, P.S.-
Ramgarhawa, District- East Champaran
 2. SURESH DAS S/O MOHAN DAS Resident of village- Murla, P.S.-
Ramgarhawa, District- East Champaran
 3. MAHENDRA SAH S/O LATE RUPA SAH Resident of village- Murla, P.S.-
Ramgarhawa, District- East Champaran
 4. RAJENDRA DAS S/O CHOKAT DAS Resident of village- Murla, P.S.-
Ramgarhawa, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kuar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Ramgarhwa P.S. Case No. 112 of 2022
registered for the offence punishable under Sections 341, 323
and 307/34 of the Indian Penal Code.

The allegation is regarding the accused persons including
the petitioners herein having surrounded the house of the
informant and thereafter, they had assaulted the informant and
his brother. It is alleged that the co-accused person, namely,



Manoj Das, had given farsa blow on the head of the informant, resulting in him sustaining serious injuries and then, the co-accused person, namely, Vijay Sah, had given bhala blow on the chest of the informant, while the co-accused persons, namely, Vijay Sah and Manoj Das had also assaulted the informant and his brother, apart from the petitioners having assaulted the brother of the informant, when he had arrived there to save the informant.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that though the petitioners are accused in one another case, but they are on bail in the said case. The learned counsel for the petitioners has also submitted that as far as the petitioners are concerned, a general and omnibus allegation has been levelled qua them of having assaulted the brother of the informant, however, the impugned order dated 18.7.2022 would show that the brother of the informant has sustained simple injuries.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled qua the petitioners herein and the injuries, sustained by the brother of the informant, attributable to the petitioners herein, have been found to be simple in nature, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champarn at Motihari, in connection with Ramgarhwa P.S. Case No. 112 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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