

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18362 of 2023

Arising Out of PS. Case No.-402 Year-2021 Thana- PHULWARIYA District- Gopalganj

1. Chunchun Rai Son Of Laldeep Rai @ Laldeep Narayan Ray R/O Village- Girdhar Parsa, P.S.- Phulwaria (Sripur O.P.), District- Gopalganj
2. Ranjana Rai @ Ranjana Kumari Wife Of Chunchun Rai R/O Village- Girdhar Parsa, P.S.- Phulwaria (Sripur O.P.), District- Gopalganj
3. Anil Kumar Raj @ Anil Raj @ Anil Kumar Rai Son Of Late Ramnarayan Rai R/O Village- Girdhar Parsa, P.S.- Phulwaria (Sripur O.P.), District- Gopalganj
4. Pranjal Deep @ Pranjal Rai Son Of Chunchun Rai R/O Village- Girdhar Parsa, P.S.- Phulwaria (Sripur O.P.), District- Gopalganj
5. Sonam Rai @ Sonam Kumari Wife Of Anil Kumar Raj @ Anil Raj @ Anil Kumar Rai R/O Village- Girdhar Parsa, P.S.- Phulwaria (Sripur O.P.), District- Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Phulwariya (Sirpur O.P.) P.S. Case No. 402 of 2021 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has



alleged that on 04.11.2021, petitioners including five unknown persons armed with lathi, rod, garasa came at her house and started abusing her and when she protested all the accused persons assaulted her. When her husband came to save her, then all the accused persons started assaulting him and during the course of mar-pit accused Saurabh Rai inflicted Garasa blow on the head of her husband causing head injury. Her son and daughter were also assaulted by the accused persons.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is case and counter case between the parties in which both the sides sustained injuries and it is a case of free-fight.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner no. 1 is that he had assaulted the husband of the informant by Pipe and the injury report is showing grievous injury on the head of the husband of the informant caused by hard and blunt object, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 1.



The prayer for anticipatory bail of petitioner no. 1 is, thus, refused.

In case, he surrenders in the learned court below and prays for regular bail within a period of four weeks from today, the same will be considered on its own merit without being prejudiced by the order of this Court.

So far as petitioner nos. 2, 3, 4 and 5 are concerned, there being general and omnibus allegation against them, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 2, 3, 4 and 5 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – XVI, Gopalganj in connection with Phulwariya (Sirpur O.P.) P.S. Case No. 402 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2, 3, 4 and 5 and in case at any stage it is found that the petitioner nos. 2, 3, 4 and 5 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2, 3,



4 and 5. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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