

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26071 of 2023

Arising out of PS. Case No.-382 Year-2021 Thana- CHAKIA District- East Champaran

1. GANDHI RAI son of Late Chathuri Rai R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari
2. Ram Babu Prasad Yadav son of Jadish Prasad Yadav R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari
3. Jagdish Prasad Yadav Son of Late Chathuri Rai R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari
4. Lal Babu Rai son of Gandhi Rai R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari
5. Birendra Kumar Son of Basudeo Prasad Yadav @ Basudeo Rai R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari
6. Lalan Rai son of Gandhi Rai R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari
7. Harendra Kumar Yadav Son of Basudeo Prasad Yadav @ Basudeo Rai R/V- Banjhula PS- Chakiya Dist- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Chakiya P.S. Case No. 382 of 2021, registered for the offences punishable under Sections 447, 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

The allegation is regarding the accused



persons including the petitioners herein having arrived at the door of the house of the informant, whereafter they had abused and assaulted the informant and his family members. As far as the petitioner no. 2 is concerned, he is stated to have inflicted a knife blow on the informant while the petitioner no. 7 had also inflicted a knife blow on the informant and snatched his gold chain.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is submitted that as far as the petitioners no. 2, 3 & 7 are concerned, they are accused in one another criminal case, however, they are on bail, while the rest of the petitioners are having a clean antecedent. Lastly, it is submitted that though a general and omnibus allegation has been levelled qua the petitioners no. 1 & 3 to 6, however, as far as the petitioners no. 2 & 7 are concerned, the injuries sustained by the injured persons, attributable to them, are not grievous in nature.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners no. 1 & 3 to 6 and as far as the petitioners no. 2 & 7 are concerned, the injuries sustained by the injured persons, attributable to them, have been found to be simple in nature, as has been categorically stated by the learned counsel for the petitioners, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to verification of the fact as to whether the injuries sustained by the injured persons, attributable to the petitioners no. 2 & 7 are simple in nature or not.

Accordingly, the petitioners, above named,



are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakiya P.S. Case No. 382 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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