

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29775 of 2023

Arising Out of PS. Case No.-219 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Mahesh Kumar @ Mahesh Rai Son of Chandeshwar Rai R/O Village-
Nayatola Vishnupura, P.S.- Chapra Muffassil, District- Saran at Chapra
(Bihar)
2. Brajesh Kumar @ Brajesh Rai Son of Chandeshwar Rai R/O Village-
Nayatola Vishnupura, P.S.- Chapra Muffassil, District- Saran at Chapra
(Bihar)
3. Biran Rai @ Dharmendra Rai Son of Late Jagarnath Rai @ Jagannath Ray
R/O Village- Nayatola Vishnupura, P.S.- Chapra Muffassil, District- Saran at
Chapra (Bihar)
4. Chandeshwar Rai Son of Late Jagarnath Rai @ Jagannath Ray R/O Village-
Nayatola Vishnupura, P.S.- Chapra Muffassil, District- Saran at Chapra
(Bihar)
5. Dilip Kumar @ Dilip Rai Son of Chandradip Rai R/O Village- Nayatola
Vishnupura, P.S.- Chapra Muffassil, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioners and the
State.

2. Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 147, 148, 149, 323, 325,
307, 504, 506, 354, 379 of the Indian Penal Code and Section 27
of the Arms Act.

3. Prosecution case, in brief, is that on the alleged date
and time of the occurrence, when the informant was at his door,



all the accused persons, including these petitioners, armed with weapons, came there and started abusing him. On protest, petitioner No. 4 ordered to kill the informant upon which other accused persons started assaulting him with iron rod and *danda*. It is further alleged that when Sarvendra Kumar and Saraswati Devi intervened, they were also assaulted by petitioner Nos. 2 and 3 and thereafter, co-accused Raju Rai caused injury on the head of Saraswati Devi by means of *Daab* and all the other accused persons assaulted Sarvendra Kumar with iron rod and *lathi* causing injury to him. Petitioner No. 5 is alleged to have snatched gold chain from the neck of Saraswati Devi and co-accused Shailesh Rai tore her cloths due to which she became semi-naked.

4. It is submitted that specific accusation of assault is against co-accused Raju Rai. Allegations against these petitioners are general and omnibus and no allegation of specific overt act is alleged against them. Moreover, similarly situated co-accused persons have already been granted anticipatory bail by co-ordinate Bench of this Hon'ble Court *vide* order dated 06.04.2022 passed in Cr. Misc. No. 33826 of 2021.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that



let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffassil P. S. Case No. 219 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

