

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33683 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHIA District- Bhojpur

1. HIRA LAL RAI SON OF LATE KAPIL RAI Resident of village- Sunderpur Barja, P.S.-Bihiya, District-Bhojpur
2. MUNNI DEVI WIFE OF RAM PRAYAG RAI Resident of village- Sunderpur Barja, P.S.-Bihiya, District-Bhojpur
3. KALAWATI DEVI WIFE OF RADHA KISHUN RAI Resident of village- Sunderpur Barja, P.S.-Bihiya, District-Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vishwa Mohan Kumar Sinha, Adv.
For the Opposite Party/s :	Ms.Asha Devi, APP.
	Mr. Bhaskar Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, petitioners along with other accused persons came at the door of the informant and started abusing him and his family members. On objection, they started firing indiscriminately with intention to kill the informant side due to which they sustained fire arm injury. They also assaulted the informant side with sticks, lathi and iron rod. Thereafter, female



members of the petitioners' family started pelting stones and bricks upon the informant side due to which the informant's father sustained head injury. Hearing the ruckus, people gathered there and took the informant and his family member to Ara Shanti Memorial Hospital, Babu Bazaar for treatment. Seeing, the informant's father serious condition, he was referred to Patna for better treatment, but he died on the way.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

6. Considering the age of petitioner no.1 i.e. 77 years old as well as the fact that petitioner nos. 2 & 3 are ladies, as there is general and omnibus allegation against the petitioners, the



above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bihiya P.S. Case No. 313 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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