

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37629 of 2023

Arising Out of PS. Case No.-345 Year-2022 Thana- DORIGANJ District- Saran

1. Rajesh Rai Son Of Sri Samindra Rai Resident Of Village- Balwant Tola, Ps- Doriganj, District- Saran
2. Rakesh Rai @ Rakesh Kumar Son Of Sri Samindra Rai Resident Of Village- Balwant Tola, Ps- Doriganj, District- Saran
3. Samindra Rai Son Of Late Bayas Rai Resident Of Village- Balwant Tola, Ps- Doriganj, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prithivi Raj Singh, Advocate
For the State	:	Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Doriganj P.S. Case No. 345/ 2022 registered for the offence punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code (for brevity 'IPC') and Section 27 of the Arms Act.

3. The allegation, as per the First Information Report (for brevity 'F.I.R.') is that the accused persons were hostile to any demarcation of the lands, and objecting to such demarcation, they had indiscriminately assaulted the informant.



Co-accused, namely, Mukesh Rai, has allegedly fired upon the informant, while these petitioners have assaulted, by other means.

4. Learned counsel for the petitioners submits that the injury report (Annexure- 2) does not show any injury, other than the gun shot injury. Petitioners', by virtue of being family members of co-accused, namely, Mukesh Rai, to whom the fire arm injury is attributed, have been dragged in this case. Petitioners have no criminal antecedents.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the submissions advanced by the petitioners' counsel, nature of allegations, injury report and clean antecedents, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ms. Sumita Ranjan, J.M. 1st Class, Saran at Chapra, in connection with Doriganj P.S. Case No. 345/2022, subject to the



following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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