

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44659 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- RIVILGANJ District- Saran

1. Rajendra Shah S/O Late Mewalal Shah @ Mewa Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
2. Mahesh Prasad Gupta S/O Rajendra Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
3. Dilip Shah @ Dilip Kumar Sah S/O Rajendra Shah, Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
4. Rakesh Kumar Gupta @ Rakesh Kumar S/O Harendra Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
5. Dheeraj Sah @ Dheeraj Kumar Shah S/O Late Umanath Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
6. Deepak Kumar Shah @ Deepak Kumar S/O Late Umanath Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
7. Pankaj Kumar Gupta S/O Janak Prasad Gupta Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
8. Rishu Shah @ Rishu Kumar @ Sagar S/O Surendra Prasad Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra
9. Savitri Devi @ Savitri Kumar W/O Ranjit Shah Resident of Village- Tekniwas, P.S. Rivilganj, District Saran At Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Rivilganj P.S. Case No. 285 of 2022 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,



324, 307 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the F.I.R., it is alleged that on account of dispute relating to shop, 35 named accused persons alongwith 25 to 30 unknown accused persons including the petitioners, variously armed with weapons assaulted the informant and others and also made indiscriminate firing.

4. Learned counsel for the petitioners submits that except injured Aman Kumar, the injuries on the other injured are simple in nature. There is case and counter case between the parties in which both the parties have got injuries and there is land dispute between the parties. There are Civil Suit and Partition Suit pending between the parties. Petitioner Nos. 6, 7 and 9 have no criminal antecedent, petitioner No. 1 has two criminal antecedents, petitioner No. 2 has three criminal antecedents, petitioner No. 3 has three criminal antecedents, petitioner No. 4 has two criminal antecedents, petitioner No. 5 has one criminal antecedent and petitioner No. 8 has two criminal antecedents.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case



and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Rivilganj P.S. Case No. 285 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with the following conditions:-

(i) The petitioners will remain present on each and every date fixed by the Court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

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