

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45420 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- DEODHA District- Madhubani

1. BHISHAM BANRAIT S/O RAJENDRA BANRAIT R/O Ward no-4, Ushrashi Dodha, P.S- Deodha, Distt.- Madhubani, Bihar- 847226.
2. Prince Rohita @ Prince Kumar Yadav @ Prince Kumar S/O Dinesh Yadav R/O Ward No. 1, Main Road Baldiha, P.S- Jaynagar, Distt.- Madhubani, Bihar- 847226.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manu Tripurari, Advocate Mr.Apurv Harsh, Advocate Mr.Prashant Bhardwaj, Advocate Mr.Sujit Kumar, Advocate
For the Opposite Party/s :		Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-08-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Deodha P.S. Case No.111 of 2022, registered for offences under Sections 341, 323, 324, 354(B), 379, 307, 504, 506, 509 and 34 of the IPC.

The allegation is regarding the accused persons, including the petitioners herein, having arrived at the house of the informant on the alleged date and time of occurrence, whereafter, they and had assaulted the informant and his family members as also had abused them on account of the informant, having earlier made complaint, in the police station, with regard



to the co-accused person, namely, Rajendra Banrait, who was constructing a house forcibly on the partitioned land, falling in the share of the informant. It is alleged that the co-accused person, namely, Rajendra Banrait and Vijay Banrait had assaulted the informant and others.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that though the petitioner no.2 is having a clean antecedent, however, the petitioner no.1 is an accused in three other cases but he is on bail in all the said cases. It is also submitted that as far as the petitioners are concerned, they have not been alleged to have engaged in any sort of specific overt act, hence they be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 the petitioners are not alleged to have engaged in any sort of specific overt act qua the



injured persons, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with Deodha P.S. Case No.111 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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