

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47713 of 2023

Arising Out of PS. Case No.-371 Year-2018 Thana- ALOULI District- Khagaria

1. Sihasan Devi Wife Of Rupkant Ray Resident Of Village- Bahadurpur, Ps- Alauli Dist- Khagaria
2. Lalo Kumar @ Lalo Kumar Ray Son Of Rupkant Ray Resident Of Village- Bahadurpur, Ps- Alauli Dist- Khagaria
3. Heera Lal Kumar Son Of Rupkant Ray Resident Of Village- Bahadurpur, Ps- Alauli Dist- Khagaria
4. Usha Devi Daughter Of Rupkant Ray Resident Of Village- Bahadurpur, Ps- Alauli Dist- Khagaria
5. Shanti Devi @ Shnti Devi Daughter Of Rupkant Ray Resident Of Village- Bahadurpur, Ps- Alauli Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Alauli P.S. Case No.371 of 2018 registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 17.11.2018 all the accused persons were making *Tat* on the land of the



informant on which his father went to prevent them then Lalo Kumar (petitioner no.1) came with gun from his house and fired in the air. It is alleged that all the accused persons assaulted his father and brother with iron, lathi and butt of the gun. The co-accused Rupkant Rai assaulted his brother with khanti causing fracture in his leg. Lalo Kumar (petitioner no.1) assaulted his father with the butt of the gun on his head and Heeralal (petitioner no.3) snatched a golden chain from the neck of his father.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that there is a case and counter case and the petitioners have otherwise no criminal antecedent.

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

6. Having regard to the submission that the accused Lalo Kumar @ Lalo Kumar Ray (petitioner no.2) had come with gun and was firing and he has assaulted the father of the informant by butt of the gun on his head, this Court is not inclined to grant privilege of anticipatory bail to petitioner no.2. his prayer is refused.



7. In case the petitioner no.2 surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

8. So far as petitioner nos.1, 3, 4 and 5 are concerned, they are said to be the members of the family, there is a counter case also and they have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos.1, 3, 4 and 5 above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria in connection with Alauli P.S. Case No. 371 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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