

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50671 of 2022

Arising Out of PS. Case No.-205 Year-2021 Thana- CHIRAIYA District- East Champaran

SANTOSH KUMAR Son of Rameshwar Rai R/V- Khodha, P.S.- Chairaiya,
Dist- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50954 of 2022

Arising Out of PS. Case No.-205 Year-2021 Thana- CHIRAIYA District- East Champaran

BIRBAHADOOR RAI SON OF LATE RAMVINAY RAI R/O VILLAGE-
KHODHA, P.S.- CHAIRAIYA, DISTRICT- EAST CHAMPARAN,
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50671 of 2022)

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Syed Mojibur Rahman

(In CRIMINAL MISCELLANEOUS No. 50954 of 2022)

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Syed Mojibur Rahman

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 17-01-2023 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well

as the learned counsel for the informant.



The petitioners apprehend their arrest in connection with Chiraiya P.S. Case No. 205 of 2021 registered for offence punishable under section 341, 323, 324, 307, 379, 354, 506 and 504/34 of the Indian Penal Code.

As per allegation, the named accused persons including the petitioners, assaulted the informant. Co-accused Suresh Rai inflicted *farsa* blow on the informant. The specific allegation against the petitioner Santosh Kumar is that he assaulted Chandan Kumar with *farsa* and he sustained injury on his head as well as on his hand.

The learned counsel for the petitioners has submitted that the petitioners are the persons of clean antecedent and have falsely been implicated in this case.

On the other hand, the learned counsel for the informant has submitted that there is specific allegation against petitioner Santosh Kumar that he inflicted *farsa* blow on the head of Chandan Kumar, who sustained injuries on his head. He has undergone brain surgery, which shows that injury was grievous.

In my view, **the petitioner Santosh Kumar** does not deserve the privileges for anticipatory bail and accordingly, **his prayer for bail is rejected.**



So far as petitioner Birbahadoor Rai is concerned,
there is no specific allegation against him to assault any body,
rather the allegation against him is general and omnibus, as
such, **his prayer for anticipatory bail is allowed. Let him** in
the event of his arrest or surrender, within four weeks from
today, **be released on bail** on furnishing bail bonds of
Rs.10,000/- with two sureties of the like amount each to the
satisfaction of learned Additional Chief Judicial Magistrate-IV,
Sikrahana at Dhaka, East Champaran, Motihari in connection
with Chiraiya P.S. Case No. 205 of 2021, subject to condition as
laid down under section 438(2) of the Code of Criminal
Procedure.

Office shall ensure that all defects are removed by the
petitioner(s) within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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