

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52482 of 2023

Arising Out of PS. Case No.-97 Year-2021 Thana- GOPALPUR District- Gopalganj

1. Abhishek Rai @ Bolbam Rai Son Of Jitendra Rai Resident Of Village - Ahirauli - Dubauli, P.S. - Gopalpur, Distt. - Gopalganj
2. Manish Rai Son Of Jitendra Rai Resident Of Village - Ahirauli - Dubauli, P.S. - Gopalpur, Distt. - Gopalganj
3. Muktinath Rai Son Of Late Bhagwandat Rai Resident Of Village - Ahirauli - Dubauli, P.S. - Gopalpur, Distt. - Gopalganj
4. Ratnesh Rai Son Of Muktinath Rai Resident Of Village - Ahirauli - Dubauli, P.S. - Gopalpur, Distt. - Gopalganj
5. Binay Rai @ Timal Rai Son Of Muktinath Rai Resident Of Village - Ahirauli - Dubauli, P.S. - Gopalpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey
For the State	:	Mr. Anuj Kumar Shrivastava
For the Informant	:	Mr. Shashi Ranjan Kumar
		Mr. Rahul Kumar Dubey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioners and learned APP for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, petitioners armed with various deadly weapons abused and assaulted informant's side causing various injury.



4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is case and counter case between the parties. He further submits that there is no specific overt act against the petitioners. He submits that there is allegation against petitioner no. 4 to assault one Dinesh Rai by butt of gun and the injury was found grievous in nature. Petitioners no. 1 and 2 have three criminal antecedents, petitioners no. 3 and 5 have two criminal antecedents and petitioner no. 4 has four criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail and submitted that specific overt has been attributed against the petitioners. Hence, they do not deserve privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioners no.1, 2, 3 and 5, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Gopalpur P.S. Case No. 97 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that the injury was found grievous in nature, I am not inclined to enlarge petitioner no.4 on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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