

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54346 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

1. Motilal Rai S/o Tuntun Rai
 2. Sitab Rai S/o Tuntun Rai
 3. Tuntun Rai S/o Late Malik Rai
 4. Sukhnandan Rai S/o Muri Rai
 5. Brijnandan Rai S/o Muri Rai
 6. Pramod Rai @ Pramod Kumar @ Pramod Kumar Yadav S/o Surendra Rai
All R/o village- Shivnagri, P.S.- Chapra Muffasil, District- Saran at Chapra
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection with Chapra Muffasil P.S. Case No.156 of 2021 instituted under Sections 147, 148, 149, 341, 323, 332, 353, 308, 427, 506 and 504 of the Indian Penal Code.

As per the prosecution story, the Electricity Department officials/employees were out in the field to change the damaged electricity pole/wire which were protested by the accused persons including the petitioners herein and in the scuffle, it is stated that he assaulted the informant with *lathi*



which hit his shoulder as also chest and further in the process the department suffered loss of Rs.35,200/-.

Learned counsel for the petitioners submit that save and except the petitioner no.1 against whom there has been allegation, against others, the allegation is omnibus in nature. So far as even petitioner no.1 is concerned, it is not the case that the doctor has found the injury to be in grievous and although in the FIR, it has been stated that he tried to assault on the head, actually as per the FIR, it hit the shoulder. The last submission is that both the parties have now come to a compromise and the matter has been sorted out (which he has stated in para-10 of the petition).

Learned APP on the other hand submits that the petitioners tried to obstruct the officials function and as such has opposed the prayer for anticipatory bail.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioners as also that the injury has not been found to be grievous, the parties have now have come to a compromise and ultimately they have to face the trial, this Court is inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Chapra Muffasil P.S. Case No.156 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, IXth, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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