

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58483 of 2023

Arising Out of PS. Case No.-268 Year-2021 Thana- WAJIRGANJ District- Gaya

1. Prem Chand Rajvanshi, S/O Jitan Rajvansi, R/O Village- Chain Bigha, Ps. Wazirganj, Dist. Gaya
2. Anil Rajvanshi, S/O Kailu Rajvanshi @ Kailash Ravanshi, R/O Village- Chain Bigha, Ps. Wazirganj, Dist. Gaya
3. Ranjan Rajvanshi, S/O Ganauri Rajvanshi, R/O Village- Chain Bigha, Ps. Wazirganj, Dist. Gaya
4. Dharmendra Rajvanshi, S/O Ganauri Rajvanshi, R/O Village- Chain Bigha, Ps. Wazirganj, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Wajirganj P.S. Case No.268 of 2021 registered on 16.06.2021 for the offenses punishable under Sections 341, 323, 504, 308, 427, 379, and 34 of the Indian Penal Code, subsequently, Section 302 of the Indian Penal Code has been added vide order dated 14.07.2021.

3. As per the prosecution, the allegation has been levllled against 13 named accused persons, including the



petitioners that they entered into the house of the informant and started abusing the informant. On protest being made, they assaulted the informant. When the husband of the informant came to rescue her, all the accused persons armed with *lathi*, *danda*, and *khanti* started assaulting the informant's husband due to which he got unconscious and bleeding started from his eyes.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. The petitioners and the informant both are from the same village and well known to each other and due to previous enmity, the present case has been lodged with frivolous allegation. He further submits that there is no specific allegation levelled in the FIR that who assaulted whom rather the allegation is omnibus and general. It is further submitted that initially the FIR has been lodged under Sections 341, 323, 504, 308, 427, 379 and 34 of the Indian Penal Code but consequent upon the death of the husband of the informant, Section 302 of the Indian Penal Code has also been added. The antecedents of the petitioners are clean.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that it is true that there is no direct



allegation, rather the allegation is omnibus and general. It is also true that all the accused persons were involved in the commission of a crime, resulting death of the husband of the informant.

6. In this background, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners in connection with Wajirganj P.S. Case No.268 of 2021, pending before the learned ACJM-I, Gaya is hereby rejected.

7. However, in view of this Court, it is a fit case for consideration of prayer for regular bail. The trial Court shall pass the order upon going through the injury report, in accordance with law, if the petitioners surrender and pray for regular bail.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

