

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62143 of 2023

Arising Out of PS. Case No.-477 Year-2021 Thana- BANIAPUR District- Saran

1. Vinod Rai Son of Sona Lal Rai Resident of village - Sukar Dhanao, P.S. - Baniyapur, Distt. - Saran at Chapra
2. Upendra Rai Son of Sona Lal Rai Resident of village - Sukar Dhanao, P.S. - Baniyapur, Distt. - Saran at Chapra
3. Ajay Rai Son of Late Genda Rai Resident of village - Sukar Dhanao, P.S. - Baniyapur, Distt. - Saran at Chapra
4. Shailendra Rai Son of Gopal Rai Resident of village - Sukar Dhanao, P.S. - Baniyapur, Distt. - Saran at Chapra
5. Sudish sah Son of Rajeshwar Sah Resident of village - Lullah Dhanao, P.S. - Baniyapur, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Baniyapur P.S. Case No. 477 of 2021 dated 05.12.2021
instituted for the offence punishable under Sections 147, 341,
323, 324, 307, 504, 506 of the Indian Penal Code 27 of the
Arms Act.

3. The prosecution case, in short, is that on 23.11.2021
at about 9.00 pm, the informant along with his brother was on



election campaign. As soon as they arrived at Darshan Brahm Lulha Ghanav Chauraha, all the petitioners, who were armed with lathi-danda, iron rod, country made pistol, restrained the informant. All the petitioners abused the informant and assaulted him. Petitioner Vinod Rai fired from his country made pistol upon the informant, but it missed. Upendra Rai closed his mouth and Shailendra Rai assaulted on his head by iron rod due to which he sustained injury and consequent bleeding started. Ajai Rai assaulted the brother of the informant by lathi which caused injury over his head. On alarm, petitioners ran away from the spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegation against all accused persons is that they surrounded the informant and threatened not to campaign for the election otherwise they would kill him. Learned counsel for the petitioners further submits that as per the allegation, Shailendra Rai repeatedly assaulted the informant by iron rod on his head, but the injury inflicted to him is simple in nature caused by hard blunt substances. Learned counsel for the petitioners submits that petitioners are co-villagers and alleged dispute is for



campaigning of the election of Gram Panchayat election. Lastly, it has been submitted that petitioners have no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Baniyapur P.S. Case No. 477 of 2021, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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