

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61969 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- MALSALAMI District- Patna

1. HARINAND RAI @ HARINANDAN RAY @ BHUTAI RAI S/O LATE BINDA RAI R/o- Bundel Toli, P.S.- Malsalami, District- Patna
2. RAKESH KUMAR @ RAKESH RAI S/o Harinand Rai @ Harinandan Ray @ Bhutai Rai R/o- Bundel Toli, P.S.- Malsalami, District- Patna
3. HARISUDAN RAY @ MADHUSUDAN RAI @ TIAI RAI S/o Late Binda Rai R/o- Bundel Toli, P.S.- Malsalami, District- Patna
4. HARENDRA KUMAR @ HARINDRA RAI S/o Late Binda Rai R/o- Bundel Toli, P.S.- Malsalami, District- Patna
5. RAJNANDAN RAI S/o Late Binda Rai R/o- Bundel Toli, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 22-05-2023 Heard the parties.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Malsalami P.S. Case No. 228 of 2022 for the offence
registered under sections 147, 148, 149, 341, 323, 307, 447,
504 and 506 of the Indian Penal Code lodged on 24.04.2022 by
the informant, Jitendra Kumar.

The prosecution case in brief, is that the informant



gave written statement and alleged that on 24-4-2022 Madhusudan Rai kept cow by blocking road due to which general public were having difficulty in movement. The informant requested to keep the cow and went home.

Thereafter, wife of Madhusudan Rai, Bhutai Rai, Harindra Rai, Rakesh Rai, Sunil Rai, Prakash Rai and Aakash Rai all variously armed came at his door and started abusing. Upon hearing this, the informant came out from the house then all the aforesaid accused persons assaulted him. Hearing noise, nephew of the informant came to his rescue but he was also assaulted.

It is further alleged that he has been assaulted between ear and eyes by Rajnandan Rai with a rod due to which much bleeding started and he fell down there and brought to P.S. from where he has been taken for treatment to hospital. After that on basis of above said statements, the instant F.I.R. has been lodged against the petitioners.

It has been contended by the learned Counsel for the petitioners that a minor scuffle was shown to be big issue which has resulted into the petitioners been implicated in this case.

A case diary has been received and the learned counsel for the petitioner has drawn attention to paragraph-13



to show that contrary to the allegation in the FIR, actually there had been use of bricks which unfortunately, hit one of the injured, causing injury.

The last submission is that they being known to each other, without accepting the allegation and/or irrespective of the outcome of the present petition, the petitioners intend to extend medical assistance of Rs. 5,000/- each total Rs. 15,000/- to the three injured persons.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account paragraph-3 that none of the five petitioners have criminal history, the submissions put forward by the learned Counsel for the petitioners as also the fact that one of the petitioner i.e. petitioner no. 5 is 71 years of age, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 15,000/-, as undertaken by the petitioners.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, Patna



City in connection with Malsalami P.S. Case No. 228 of 2022
subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(i) one of the bailor should be the family member of
the petitioners, who shall provide official document to show
their *bona fide*;

(ii) the petitioners shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of their
bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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