

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71166 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- RAJAPAKAR District- Vaishali

1. Sujit Kumar @ Sujit Rai, Son Of Ramanand Rai, Resident Of Village - Teliya, P.S. - Rajapakar, District - Vaishali
2. Surendra Rai @ Surendra Kumar, Son Of Ramanand Rai, Resident Of Village - Teliya, P.S. - Rajapakar, District - Vaishali
3. Kalu Rai @ Saurav Kumar, Son Of Ramesh Rai, Resident Of Village - Teliya, P.S. - Rajapakar, District - Vaishali
4. Ramnath Rai @ Dinanath Rai, Son Of Basudev Rai, Resident Of Village - Teliya, P.S. - Rajapakar, District - Vaishali
5. Hasina Khatoon, D/O. Mustakim Miyan, Resident Of Village - Bakarpur, P.S. - Rajapakar, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate Mr. Aditya Pandey, Advocate
For the State	:	Mrs. Sangeeta Sharma, APP
For the Informant	:	Mr. Aayush Abhishek, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Rajapakar P.S. Case No. 221 of 2023, registered for the offences under Sections 147, 148, 341, 323, 324, 325, 308, 379, 354 and 504 of the Indian Penal Code and thereafter Sections 326 and 149 of the IPC was added.

3. As per prosecution case, the petitioners and other



FIR named co-accused persons along with 30-40 unknown persons, who were armed with firearms, *lathi*, bomb and knives, assaulted the brother of the informant and his other family members. In a knife blow by co-accused Nitish Kumar @ Guddu Kumar, the thumb of the brother of the informant was severed. The occurrence took place in the background of some land dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Land dispute is admitted in the FIR itself. The FIR and rejection order show only one injury caused to a victim. There is no allegation against the petitioners for causing any injury. Allegations are mostly general and omnibus. Learned counsel further submits that petitioner no.1 is having five criminal antecedents whereas petitioner no.2 is having one criminal antecedent and other petitioners are having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits that petitioners cut the thumb of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



admitted land dispute between the parties and further considering the thrust of main allegation against co-accused and also considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Rajapakar P.S. Case No. 221 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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