

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70836 of 2023

Arising Out of PS. Case No.-522 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Vindeshwari Rai Son Of Late Jagu Rai
 2. Rajesh Kumar Son Of Vindeshwari Rai
 3. Ramashankar Rai @ Ramashankar Pd. Yadav Son Of Rajendar Rai
 4. Rameshwar Rai @ Ram Ishwar Rai Son Of Late Shital Rai
- All are Resident Of Village- Dhanrajpur, Ps- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Learned counsel for the petitioners seeks permission to withdraw this anticipatory application with respect to petitioner No.4, namely,Rameshwar Rai @ Ram Ishwar Rai .

2. Permission is accorded.

3. Accordingly, the anticipatory bail petition with respect to petitioner No.4 is dismissed as withdrawn.

4. Heard Mr.Sunil Prasad Singh, learned counsel for petitioner Nos. 1 to 3 Mr.Khurshid Anwar, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Saraiya P.S.Case No.522 of 2023, FIR dated 07.08.2023 registered for the offences punishable under



Sections 341,323,324,307,379,504,506/34 of the Indian Penal Code.

6. The prosecution case, in short, is that the informant alleges that on 06.08.2023 accused Vindeshwari Dubey and Umesh Rai abused the informant and both caught hold of his hand and the accused Mukesh Kumar came having sword in his hand and inflicted sword on his head with intention to kill, resultantly, he got two injuries on his head. On hearing the sound of cry, the son of the informant rushed there, then the accused Manish Kumar inflicted iron rod on his head due to which he got injured and the informant and his son fell down thereafter Rajesh Kumar started assaulting him (the informant) with his legs. Accused Rama Shankar Rai took out 700/- rupees from his pocket. In the meanwhile, the accused Rameshwar Rai, Shashi Bhushan Kumar and Vikrit Kumar assaulted him and his son with lathi on the back and legs.

7. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to admitted land dispute between the parties and there is case and counter case and it appears from the FIR that there is no allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation.



Specific allegation of assault is attributed against co-accused persons, namely, Mukesh Rai and Manish Kumar.

8. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that petitioner No.1 carries one more case other than the present one, in this case, he is on bail, petitioner No.2 carries two more cases other than the present one, out of two cases, he is on bail in one case and petitioner No.3 carries one more case other than the present one.

9. Considering the aforesaid facts, let the petitioner Nos.1 to 3, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV (West), Muzaffarpur in connection with Saraiya P.S. Case No.522 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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