

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68847 of 2022**

Arising Out of PS. Case No.-133 Year-2022 Thana- RAJEPUR District- East Champaran

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1. Vinod Rai, Son of Late Ram Chander Rai, R/o Village- Fazilpur, P.S.- Rajepur, District- East Champaran.
2. Wakil Rai, Son of Late Sinhi Rai R/o Village- Fazilpur, P.S.- Rajepur, District- East Champaran.
3. Dinesh Rai, Son of Late Radhe Rai, R/o Village- Fazilpur, P.S.- Rajepur, District- East Champaran.
4. Rakesh Kumar @ Rakesh Rai, Son of Late Sitaram Rai, R/o Village- Fazilpur, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate  
For the Opposite Party/s : Ms. Gulnar Begum, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      29-04-2023                      Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Rajepur P.S. Case



No. 133 of 2022 registered for the offences punishable under Sections 447, 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

The allegation against above named petitioners is to assault informant and other family members along with other co-accused persons by means of rod, farsa, knife etc. causing bodily injuries having intention to cause their death, where occurrence is founded over land dispute.

It is submitted by learned counsel appearing on behalf of the petitioners that occurrence is free fight in nature, where for the same set of occurrence, a counter case Rajepur P.S. Case No. 128 of 2022 was also lodged by petitioner's side. It is further submitted that both parties received injuries in this case and as such it is very difficult to gather that petitioners were under intention to cause death of informant and others. It is further submitted that only for the reason that some of the injured from informant's side received grievous injuries during the occurrence on that score, it cannot be said that petitioners were under intention to cause death of informant and others. It is pointed out that specific allegation to cause head injury by means of farsa is available against co-accused Kamlesh Rai, who is not petitioner for the present, whereas the allegation as to



inflict knife injury is upon petitioner no. 4, namely, Rakesh Kumar @ Rakesh Rai, which alleged to be caused on the hand of the injured, which appears non vital part, negating intention to cause death. It is also submitted that allegation against petitioner no. 1 is limited to be an order giver whereas the allegation against petitioner nos. 2 and 3 appears to be very much general and omnibus. While concluding the argument, it is submitted that petitioners are of clean antecedents.

Learned APP, duly assisted by learned counsel Mr. Madsudan Rai, appearing on behalf of the informant, while opposing the prayer of bail submitted that petitioners actively participated in occurrence and caused grievous injury to informant but fairly conceded that same was caused by main co-accused Kamlesh Rai.

Considering the aforesaid facts and circumstances, as occurrence is free fight in nature, where allegation to cause grievous injury is available against co-accused Kamlesh Rai, who is not the petitioner for the present, let above named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each



to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class,  
Motihari/concerned Court, where the case is pending in  
connection with Rajepur P.S. Case No. 133 of 2022, subject to  
the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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