

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71557 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- RAMGARHWA District- East
Champaran

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1. Vivek Kumar Son Of Ram Bahadur @ Raushan Raut @ Raushan Kumar R/V- Ramgadhwa, P.S- Ramgadhwa, Dist- East Champaran
 2. Govind Kumar @ Govinda Kumar Son Of Kishore Raut R/V- Ramgadhwa, P.S- Ramgadhwa, Dist- East Champaran
 3. Balister Raut Son Of Lakhdev Raut R/V- Ramgadhwa, P.S- Ramgadhwa, Dist- East Champaran
 4. Baiju Raut @ Baiju Kumar Son Of Jai Prakash Raut R/V- Ramgadhwa, P.S- Ramgadhwa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2023 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioners are named in the F.I.R. and
apprehended their arrest in connection with Ramgadhwa P.S.
Case No.202 of 2021 registered for the offences punishable
under Sections 147, 148, 341, 323, 324, 307, 354-B and 504 of
the Indian Penal Code.

The allegation against the petitioners is to assault
informant and others alongwith other co-accused persons/family



members causing bodily injuries, having intention to cause their death, where dispute arises out of land disputes.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is of free fight in nature where both parties received injuries and prior to this occurrence a counter case was lodged by petitioner's side which was registered as Ramgadwa P.S. Case No.201 of 2021. It is submitted that allegation as regard to assault is appearing very much general and omnibus against this petitioner, rather same appears specific against co-accused person, Sunil Kumar, who has already been granted anticipatory bail by one the learned Co-ordinate Bench of this Court through Cr. Misc. No.70708 of 2022 vide order dated 21.03.2023. While concluding the argument it is submitted that petitioner nos. 1 and 2 are men of clean antecedent, whereas petitioner nos. 3 and 4 found involved in one more criminal case, where they are on bail.

Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

In view of the facts and circumstances as mentioned above and by taking note of the occurrence being free fight in nature, where allegation as regard to assault is appearing very much general and omnibus against all petitioners, accordingly,



all above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are 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 Chief Judicial Magistrate, East Champaran, Motihari/concerned Court below where the case is pending in connection with Ramgadhwa P.S. Case No.202 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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