

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75216 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- PHENHARA District- East Champaran

1. RAM PRAVESH RAI S/O LATE RAMKRIT RAI Resident of village- Gaibandhi, P.S.- Phenhara, District- East Champaran.
2. ASHOK RAI S/O RAM PRAVESH RAI Resident of village- Gaibandhi, P.S.- Phenhara, District- East Champaran.
3. PULINDRA RAI S/O LATE NANDU RAI Resident of village- Gaibandhi, P.S.- Phenhara, District- East Champaran.
4. GAJENDRA RAI S/O LATE NANDU RAI Resident of village- Gaibandhi, P.S.- Phenhara, District- East Champaran.
5. SURENDRA RAI S/O LATE NANDU RAI Resident of village- Gaibandhi, P.S.- Phenhara, District- East Champaran.
6. SUJAY RAI S/O PULINDRA RAI Resident of village- Gaibandhi, P.S.- Phenhara, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. ASHOK RAI RAM PRAVESH RAI GAIBANDHI
3. PULINDRA RAI LATE NANDU RAI GAIBANDHI
4. GAJENDRA RAI LATE NANDU RAI GAIBANDHI
5. SURENDRA RAI LATE NANDU RAI GAIBANDHI
6. SUJAY RAI PULINDRA RAI GAIBANDHI

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh
For the Opposite Party/s	:	Mr. Ramchandra Sahni
		Mr. Kundan Rathore

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2023 Heard the parties.

Learned counsel for the petitioners seek permission to withdraw this application as against petitioner no.3, as he has been arrested by the police during the pendency of the bail application.



Permission is granted.

Accordingly, this application as against the petitioner no.3 is dismissed as withdrawn.

Now, this application is being heard with regard to the rest of the petitioners.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 379, 307 of the Indian Penal Code and 27 of Arms Act.

As per allegation, all the FIR named accused persons including the petitioners have assaulted the informant and when the brother of the informant namely, Alok Kumar came in rescue, the petitioners assaulted him as well.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is a case and counter-case between the parties. There is an admitted land dispute between the parties. The specific allegation is against the co-accused Upendra Rai to assault the brother of the informant due to which



he sustained grievous injuries. The injuries attributed towards the petitioners are of simple nature. Petitioners have criminal antecedent mentioned in para-3 of the bail application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.1, 2, 4, 5 and 6, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Phenhara P.S. Case No.69 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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