

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3505 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- MADHUBAN District- East Champaran

1. Dineshar Rai, Son of Late Shiv Nandan Rai, Resident of Village - Hari Narayan Pur, P.S.- Madhuban, District - East Champaran, Bihar.
2. Ravindra Rai, Son of Dineshar Rai, Resident of Village - Hari Narayan Pur, P.S.- Madhuban, District - East Champaran, Bihar.
3. Birendra Rai @ Birendra Kumar, Son of Dineshar Rai, Resident of Village - Hari Narayan Pur, P.S.- Madhuban, District - East Champaran, Bihar.
4. Rinku Devi @ Rinku Kumari Yadav, Wife of Devendra Rai Resident of Village - Hari Narayan Pur, P.S.- Madhuban, District - East Champaran, Bihar.
5. Renu Devi, Wife of Ravindra Rai, Resident of Village - Hari Narayan Pur, P.S.- Madhuban, District - East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-05-2023 Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 29.03.2022 at about 12:00 AM, while the informant was sleeping in his house, all the F.I.R. named accused persons including these petitioners, armed with different weapons, came at the house of the



informant and started beating him. Co-accused, namely, Devendar Rai attacked on the neck of the informant by means of sword and when informant's son came to rescue him, petitioner No. 1 assaulted him by means of *farsa*, as a result of which, he got injured. It is further alleged that petitioner No. 2 assaulted the informant by means of rod, resulting in fracture in the right hand of the informant. Allegation against petitioner Nos. 3, 4 and 5 is of looting the ornaments from house of the informant.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. Specific accusation of assault is against co-accused, namely, Devendar Rai and so far these petitioners are concerned, nature of allegation is general and omnibus. Petitioners have got clean antecedent.

Learned counsel for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation of assault against petitioner Nos. 1 and 2 of causing injury and fracture to the injured persons.

Considering the specific allegation of assault against petitioner Nos. 1 and 2, prayer for anticipatory bail of the above named petitioner Nos. 1 and 2 is refused.

However, considering the fact that no specific overt



act has been alleged against petitioner Nos. 3, 4 and 5, let the above named petitioner Nos. 3, 4 and 5 in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with P. S. Case No. 136 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This case is disposed of accordingly.

(Prabhat Kumar Singh, J)

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