

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9305 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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1. Shri Ram Rai Son Of Late Jugal Rai R/O-Lakshmaniya, P.S.-Shyampur Bhatha, Distt.-Sheohar
 2. Gaurishankar Rai Son Of Late Jugal Rai R/O-Lakshmaniya, P.S.-Shyampur Bhatha, Distt.-Sheohar
 3. Rahul Kumar Son Of Shri Ram Rai R/O-Lakshmaniya, P.S.-Shyampur Bhatha, Distt.-Sheohar
 4. Subodh Kumar Son Of Lalu Rai R/O-Lakshmaniya, P.S.-Shyampur Bhatha, Distt.-Sheohar
 5. Arbind Sah @ Arbind Chaudhary Son Of Bharat Chaudhary R/O-Lakshmaniya, P.S.-Shyampur Bhatha, Distt.-Sheohar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vinod Kumar, Advocate
For the Opposite Party	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Shyampur Bhatana P.S. Case No. 47 of 2023 dated 15.05.2023, instituted for the offences punishable under Sections 447, 341, 323, 307, 379, 354, 504, 506/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that the informant gave fardbeyan before Police Officer of Ahiyapur Police Station at 5:00 PM at S.K.M.C.H. that on 10.05.2023, at about 9:00



AM, when he was sitting at his home, Jai Ram Rai came there and started abusing him. It is alleged that on getting opposed by the informant, Shri Ram Rai, Sita Ram Rai, Gauri Shankar Rai came and started assaulting him. Sita Ram Rai assaulted with rod on the head of his wife, which caused her head injury. It is further alleged that when his brother came to save his wife, Shri Ram Rai caught his hand and Jai Ram Rai gave *Talwar*-blow upon the head of his brother. Further, co-accused Subodh Kumar, Rahul Kumar and Arvind Sah jointly assaulted all members of his family and snatched Airtel Mobile bearing Mobile No. 9318328848 and Gauri Shankar Rai snatched *Mangal Sutra* of his wife. They were carried by the assistance of villagers and police to Sadar Hospital, Shoochar from where they were referred to S.K.M.C.H., Muzaffarpur.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioners and the allegations are general and omnibus in nature. It is further submitted that there is specific allegation of assault on Sita Ram Rai and Jai Ram Rai. Further, it is submitted that there is case and counter-case between the parties, bearing Shyampur Bhataha P.S. Case No. 43 of 2023,



lodged by the co-accused, namely, Sita Ram Rai against the informant and other family members. It is further submitted that there is admitted land dispute between the parties. It is further submitted that at the time of incident, on 10.05.2023, there was marriage ceremony of daughter of petitioner No. 1, it is natural that no any person is in a position to start any unwanted incident. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Shyampur Bhataha P.S. Case No. 47 of 2022 they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with each two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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