

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8238 of 2024

Arising Out of PS. Case No.-523 Year-2023 Thana- BIDUPUR District- Vaishali

1. Laxman Rai S/o Late Raman Rai R/o Vill - Mohiuddinpur, P.S. - Bidupur, Dist - Vaishali At Hajipur (Bihar)
2. Arun Kumar @ Arun Rai @ Chandraket Rai @ Arlun Rai S/o Late Raman Rai R/o Vill - Mohiuddinpur, P.S. - Bidupur, Dist - Vaishali At Hajipur (Bihar)
3. Anil Rai @ Anil Kumar S/o Late Raman Rai R/o Vill - Mohiuddinpur, P.S. - Bidupur, Dist - Vaishali At Hajipur (Bihar)
4. Sanju Devi @ Ranju Devi W/o Arun Kumar @ Arun Rai @ Chandraket Rai R/o Vill - Mohiuddinpur, P.S. - Bidupur, Dist - Vaishali At Hajipur (Bihar)
5. Ranju Devi @ Sanju Devi S/o Chandraket Rai @ Arun Kumar @ Arun Rai @ Arlun Rai R/o Vill - Mohiuddinpur, P.S. - Bidupur, Dist - Vaishali At Hajipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard Mr. Rakesh Kumar, learned counsel for the petitioner, Mr. Santi Bhushan, learned counsel for the informant as also learned APP for the State.

2. The petitioners apprehends their arrest in connection with Bidupur P.S. Case No. 523 of 2023 registered under Sections 341, 323, 307, 325, 354, 504 and 506/34 of the Indian Penal Code lodged on 02.09.2023 by the informant, Girja Prasad Rai.

3. As per the prosecution story, the informant alleged that they are neighbour and due to minor incident that happened six months ago which was opposed by him on the day, they



were sleeping, the accused persons came armed variously and specific allegation is against the petitioner no. 1, Laxman Rai and petitioner no. 3, Anil Rai @ Anil Kumar of assaulting the informant/family members causing injury. Further, omnibus allegation is there against the petitioner no. 2, Arun Kumar @ Arun Rai @ Chandraket Rai @ Arlun Rai, petitioner no. 4, Sanju Devi @ Ranju Devi as also petitioner no. 5, Ranju Devi @ Sanju Devi. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that paragraph -3 clearly shows what kind of enmity between them is/are which has resulted into number of cases lodged by the informant's side on him or the family members of the accused. Further, so far as petitioner no. 2, Arun Kumar @ Arun Rai @ Chandraket Rai @ Arlun Rai, petitioner no. 4, Sanju Devi @ Ranju Devi as also petitioner no. 5, Ranju Devi @ Sanju Devi are concerned, omnibus allegation is there against them.

5. Learned counsel for the Informant, on the other hand, submits that so far as petitioner no. 1, Laxman Rai and petitioner no. 3, Anil Rai @ Anil Kumar are concerned, there is specific allegation against them, they have assaulted the informant as also the lady.

6. Considering the aforesaid facts as also the



submissions put forward by the parties so far as petitioner no. 1, Laxman Rai and petitioner no. 3, Anil Rai @ Anil Kumar is/are concerned, the anticipatory bail stands rejected.

7. Regarding petitioner no. 2, Arun Kumar @ Arun Rai @ Chandraket Rai @ Arlun Rai, petitioner no. 4, Sanju Devi @ Ranju Devi as also petitioner no. 5, Ranju Devi @ Sanju Devi is concerned, taking into account the fact that omnibus allegation is there and two of them are ladies, this Court is inclined to grant him privilege of anticipatory bail.

8. Let the petitioner no. 2, Arun Kumar @ Arun Rai @ Chandraket Rai @ Arlun Rai, petitioner no. 4, Sanju Devi @ Ranju Devi as also petitioner no. 5, Ranju Devi @ Sanju Devi, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 523 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their



bona fide;

(ii) the petitioner no. 2, 4 & 5 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) petitioner no. 2, 4 & 5 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) petitioner no. 2, 4 & 5 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. However, learned counsel for the petitioners submits that both the petitioner no. 1, Laxman Rai and petitioner no. 3, Anil Rai @ Anil Kumar shall be surrendering within a period of four weeks from today.

10. If they surrender within four weeks, the Court concerned shall take up the matter and dispose it off preferably on the same day.

(Rajiv Roy, J)

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