

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9674 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- MAHUA District- Vaishali

1. Amod Rai @ Amod Ray S/O Lalit Rai R/O Village- Saidpur, P.S- Mahua, Distt.- Vaishali.
2. Sanjeev Kumar S/O Singheshwar Rai R/O Village- Saidpur, P.S- Mahua, Distt.- Vaishali.
3. Bhulan Rai @ Bhulan Ray S/O Ramjee Rai R/O Village- Saidpur, P.S- Mahua, Distt.- Vaishali.
4. Santosh Rai S/O Devki Rai R/O Village- Saidpur, P.S- Mahua, Distt.- Vaishali.
5. Sanjay Rai S/O Late Sohan Rai R/O Village- Saidpur, P.S- Mahua, Distt.- Vaishali.
6. Pappu Rai S/O Lalit Rai R/O Village- Saidpur, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mahua P.S. Case No. 306 of 2023 dated 16-05-2023, instituted for the offence punishable under Sections 147, 148, 341, 323, 324, 307, 379, 427, 302, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, on the alleged date and time of occurrence, all the named accused persons in the FIR, including the petitioners are said to have assaulted the informant



with *lathi, danda*, iron rod and bricks, due to which he sustained injury. It is further alleged that when *bhabhi* and aunt of the informant came to rescue him then all accused persons also assaulted them, on account of which, the aunt of the informant, namely, Shakunti Devi got injury and became unconscious and during course of treatment, she died. The accused persons also committed *loot-pat* in the house of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. The present FIR has been lodged against 18 named accused persons, including the petitioners. The allegation levelled against all the accused persons, including the petitioners is not specific rather general and omnibus in nature. It is submitted that the injury report (Annexure-3) of the informant's side also shows that all injuries are simple in nature and caused by hard and blunt substance and one injury i.e., on the wrist of the informant though grievous in nature, but not on the vital part of the body. It is submitted that the postmortem report of deceased Shakunti Devi has been annexed as Annexure-2 to the bail petition, which shows that there is no external injury on the body of the said Shakunti Devi. The Doctor has opined that the cause of death is not clear and



therefore, part of the viscera like, lung, liver, heart, kidney, spleen, stomach with its content and large and small bowel preserved for forensic examination. It is apparent from the postmortem report that there is no external injury caused by the accused persons. Lastly, it is submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. for the State 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 Mahua P. S. Case No. 306 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Vaishali at Hajipur, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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