

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13907 of 2024

Arising Out of PS. Case No.-436 Year-2023 Thana- GAURICHAK District- Patna

1. Dinesh Rai S/o Late Bhagwat Rai R/o vill - Jamalpur, P.S. - Gaurichak, Distt.- Patna
2. Lalu Rai S/o Dinesh Rai R/o vill - Jamalpur, P.S. - Gaurichak, Distt.- Patna
3. Rahul Kumar S/o Dinesh Rai R/o vill - Jamalpur, P.S. - Gaurichak, Distt.- Patna
4. Ranjan Rai @ Ranjan Kumar S/o Nagina Rai R/o vill - Jamalpur, P.S. - Gaurichak, Distt.- Patna
5. Gopal Rai @ Gopal Kumar S/o Nagina Rai R/o vill - Jamalpur, P.S. - Gaurichak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
		Mr. Anshul, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard Mr. Anshul, learned counsel for the petitioner and Mr. Binod Kumar who is representing the State.

2. The petitioners are apprehending their arrest in connection with Gaurichak P.S. Case No. 436 of 2023 for the offence under Sections 147, 149, 341, 323, 324, 307, 379, 504, 506, 302 and 34 of the I.P.C. lodged on 27.07.2023, by the informant, Surendra Ray.

3. As per the prosecution story, the informant has alleged that his brother had sold soil of twenty four Kathas



to Nagina Rai and Dinesh Rai when it was protested by the informant's side, allegation is that the petitioner No. 1, Dinesh Rai as also petitioner No. 2 Lalu Rai assaulted Sunil and Harendra by sword and iron rod respectively. So far as the petitioner No. 5, Gopal Rai is concerned, he assaulted the informant. Allegation against petitioner No. 4 Ranjan Rai is of assaulting his son Harendra Rai, causing injury near his eyes, this followed another assault by him on the head of Harendra Rai, as a result, he became unconscious. The presence of petitioner No. 3, Rahul Kumar is also there in the FIR. Accordingly, the FIR.

4. Mr. Anshul, learned counsel for the petitioners submits that so far as the allegation of assault on petitioner No. 4, Ranjan Rai to Harendra Rai is concerned, neither there has been any injury report regarding him nor it has come in the observation of the learned Sessions Judge.

5. Learned APP opposes the prayer stating that so far as the petitioner Nos. 1, 2 and 5 are concerned there is clear allegation of assault, so far as petitioner No. 4 Ranjan Rai is concerned again allegation of assaulting the informant's son Harendra Rai twice causing injury near his



eyes as also his head.

6. Mr. Anshul, learned counsel for the petitioners made categorical statement that no injury report is there with regard to Harendra Rai.

7. Taking into account the submissions put forward by the parties as also the kind of allegation that has come against the petitioner Nos. 1, 2 and 5 this Court is not inclined to extend them privilege of anticipatory bail which is accordingly rejected.

8. So far as the allegation against petitioner No. 4, Ranjan Rai @ Ranjan Kumar is concerned, in view of the categorical statement made by the learned counsel for the petitioners that there is no such injury report regarding Harendra Rai, as also the fact that he is 22 years of age, this Court is inclined to extend him privilege of anticipatory bail subject to confirmation by the concerned Court which shall summon the injury report of the injured to check whether there has been any injury report relating to Harendra Rai or not. If there is injury on Harendra Rai as narrated in the FIR on his head and eyes, the extension of this anticipatory bail will be deemed to have seized.



9. So far as petitioner No. 3, Rahul Kumar is concerned taking into account that he too is young, is a student, has no criminal antecedent and omnibus allegation is there against him, this Court is inclined to extend him privilege of anticipatory bail with conditions.

10. Let the petitioner No. 3 Rahul Kumar and petitioner No. 4 Ranjan Rai @ Ranjan Kumar be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VI, Patna City in connection with Gaurichak P.S. Case No. 436 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of petitioner No. 3 Rahul Kumar and petitioner No. 4 Ranjan Rai @ Ranjan Kumar should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner No. 3 Rahul Kumar and petitioner No. 4 Ranjan Rai @ Ranjan Kumar 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) the petitioner No. 3 Rahul Kumar and petitioner No. 4 Ranjan Rai @ Ranjan Kumar shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner No. 3 Rahul Kumar and petitioner No. 4 Ranjan Rai @ Ranjan Kumar 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 the bail bonds;

(v) the petitioner No. 3 Rahul Kumar and petitioner No. 4 Ranjan Rai @ Ranjan Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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