

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18146 of 2024

Arising Out of PS. Case No.-479 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Pramod Rai S/O Asharfi Rai @ Jasarfi Rai R/O Village- Koluharwa, P.S- Chiraiya (SHIKARGANJ), Distt.- East Champaran.
2. Binod Rai S/O Asharfi Rai @ Jasarfi Rai R/O Village- Koluharwa, P.S- Chiraiya (SHIKARGANJ), Distt.- East Champaran.
3. Asharfi Rai @ Jasarfi Rai S/O Aklurai R/O Village- Koluharwa, P.S- Chiraiya (SHIKARGANJ), Distt.- East Champaran.
4. Birendra Rai S/O Bhuwal Rai R/O Village- Koluharwa, P.S- Chiraiya (SHIKARGANJ), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 379, 354(B), 504, 447, 34 and 307 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant based on general and omnibus allegation of assault. It is next submitted that the specific allegation of assault is against Hari Bhushan



Kumar, who is alleged to have assaulted the nephew of the informant namely Ravindra Kumar on head by iron rod causing grievous injury. It is further submitted that initially the F.I.R was instituted under sections 341, 323, 379, 354(B), 504, 447 and 34 of the I.P.C. but then submits that the order impugned records that during the course of investigation, direction has been issued by the superior authority to include Section 307 of the Indian Penal Code also. It is thus submitted that since the allegation of assault is against the petitioners are general and omnibus in nature and injury suffered by the nephew of the informant was caused by Hari Bhushan Kumar as such Section 307 of the Indian Penal Code in the nature of allegation is not attracted against the petitioners.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the



case is pending/successor court in connection with Chiraiya
(Shikarganj) P.S. Case No.479/2023, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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