

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16430 of 2024

Arising Out of PS. Case No.-769 Year-2023 Thana- MADHAURAH District- Saran

1. Gorakh Rai @ Gorakh Kumar Ray Son of Kishundev Rai @ Bisundev Ray R/o Village- Bahuwarapatti, P.S.- Morhowrah, Distt.- Saran
2. Champa Devi @ Karyani Devi Wife of Kishundev Rai @ Bisundev Ray R/o Village- Bahuwarapatti, P.S.- Morhowrah, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard Mr. Abhijeet Abhigyan, learned counsel for
the petitioner and the State.

2. The petitioners are apprehending arrest in connection with Morhowrah P.S. Case No. 769 of 2023 instituted under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code lodged on 8.12.2023 by the informant, Kishore Rai.

3. As per the prosecution story, the informant alleged that due to old enmity, the accused persons assembled and after abuse, assaulted him. The specific allegation is against Shankar Rai of assaulting on the head of the informant causing injury to him. Further, when Daroga Rai, his son came to his rescue, Sameer Kumar assaulted by 'Dab' causing



injury in the thumb. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are neither Shankar Rai nor Sameer Kumar, there is case and counter case, the case of the petitioners being earlier one, omnibus allegation is against them and there is delay of two days in lodging of the FIR.

5. Learned APP opposes the prayer stating that the with common intention, they assaulted the informant's side.

6. Taking into account the submissions put forward by the parties as also that the allegation is mainly against Shankar Rai and Sameer Kumar, the petitioner no.2 is a lady, omnibus allegation against the two petitioners, there is delay of two days in lodging of the FIR, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Morhowrah P.S. Case No. 769 of 2023 to the satisfaction of learned Chief Judicial Magistrate at Chapra, Saran subject to the conditions as laid down under Section 438(2) of the



Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners 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 petitioners 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)

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