

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22942 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- RAJEPUR District- East Champaran

1. Basdeo Rai Son of Rajmangal Rai Resident of Village- Sahbajiya, P.S.- Rajepur, District- East Champaran
2. Binod Rai @ Binod Kumar Rai Son of Late Chanardeo Rai @ Chenardeo Rai Resident of Village- Sahbajiya, P.S.- Rajepur, District- East Champaran
3. Sunil Rai Son of Late Chanardeo Rai @ Chenardeo Rai Resident of Village- Sahbajiya, P.S.- Rajepur, District- East Champaran
4. Fuldeo Rai Son of Hanslal Rai Resident of Village- Sahbajiya, P.S.- Rajepur, District- East Champaran
5. Awadhesh Rai Son of Fuldeo Rai Resident of Village- Sahbajiya, P.S.- Rajepur, District- East Champaran
6. Laxman Rai @ Laxman Rai @ Lakshaman Kumar Son of Ramsurat Rai Resident of Village- Pojhiya, Police Station- Tariyani, District- Sheohar
7. Radhesh Rai @ Rajesh Rai Son of Ramsurat Rai Resident of Village- Pojhiya, Police Station- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25452 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- RAJEPUR District- East Champaran

Baiju Rai Son of Rajmangal Rai Resident of Village- Sahbajiya, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22942 of 2024)

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

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

(In CRIMINAL MISCELLANEOUS No. 25452 of 2024)

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

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA



ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 447, 147, 149, 341, 342, 307, 324, 325, 323, 427, 379, 504 and 506 of the Indian Penal Code.

3. As per allegation in the FIR, it is a case of assault upon the head of Sushindra Rai by iron rod by the petitioners and other 20 known and unknown co-accused persons and committing loot in the house of the informant and causing damage to the property of the injured persons.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that there is land dispute between the parties with regard to partition of the joint family land and the case is also pending before learned DCLR, Chakia, East Champaran.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

6. On perusal of the first information report and impugned orders dated 23.02.2024, it appears that the allegation against the petitioner Baiju Rai(Cr. Misc. No.25452 of 2024) causing injury on the head of the victim by iron rod and



informant sustained altogether four injures, injury no.1 is lacerated wound 1"x1/2"x1/2" on right index finger caused by hard and blunt substance. Further injuries are incised wound 1 1/2"x 1/4"x1/4" on upper part of frontal head caused by sharp cut object which is the vital part of the body, so injury is grievous in nature, I am not inclined to grant anticipatory bail to the petitioner (Baiju Rai).

7. Prayer for anticipatory bail to the petitioner-Baiju Rai (Cr. Misc. No.25452 of 2024) is hereby rejected.

8. However, the petitioner is directed to surrender before the court below and pray for regular bail and the court below shall consider his bail application.

9. So far as petition of Cr. Misc. No.22942 of 2024, it appears that there are no specific allegation of assault against the petitioners, caused upon the victim.

10. Accordingly, let the above named petitioners (Cr. Misc. No. 22942 of 2024) be directed to be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Anurag Verma, Judicial Magistrate-Ist Class, Motihari, East



Champaran/concerned Court in connection with Rajepur P.S.
Case No. 282 of 2023, subject to the conditions as laid down
under section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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