

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22332 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- MAHNAR District- Vaishali

1. Chandeshwar Ray Son of Bhekhar Ray Resident of Village - Mahnar Gachhi Tola, P.S. - Mahnar, District - Vaishali
2. Rangeela Ray Son of Chandeshwar Ray Resident of Village - Mahnar Gachhi Tola, P.S. - Mahnar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 30-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahnar P.S Case No. 83 of 2023 dated 29.03.2023 registered for the offence punishable u/s 341, 323, 324, 325, 307, 379, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused person holding deadly weapons are alleged to have come to the door of the informant and started abusing the informant. On being objected by the informant, the petitioner no. 1, namely, Chandeshwar Rai and the co-accused Jailal Rai



exhorted to kill, then the petitioner no. 2, namely, Rangeela Rai inflicted blow of iron rod on the head of the informant but the same hit his nose causing a cut injury. On *hulla*, the informant's brothers came to rescue the informant then the co-accused Subodh Rai @ Mahto assaulted with sharp edged weapon on the head of Sunil Kumar Mishra causing head injury. The petitioner no. 1, namely, Chandeshwar Rai and the co-accused Jailal Rai assaulted with Bamboo to Arun Mishra and Mohan Mishra on their head causing head injury. All the accused persons also assaulted the informant's nephew with lathi and danda. It is further alleged that the petitioner no. 2, namely, Rangeela Rai snatched golden chain from the informant's nephew, Ayush Raj and Rs. 10,000/- from the pocket of the informant. The accused persons also threatened the informant of dire consequence.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have made accused in this case due to previous enmity with the informant. The specific allegation against the petitioner no. 2, namely Rangeela Rai that he snatched gold chain of Mohan Mishra. It is further submitted that the specific allegation against the petitioner no. 1, namely, Chandeshwar Rai and the co-accused Jailal Rai inflicted blow of bamboo stick on



the head of the Arun Mishra and Mohan Mishra and there is no allegation of repetition of blow against the petitioners. It is further submitted that out of three injuries of Mohan Mishra the injury no. 2 is grievous in nature which is on his hand. There is no specific allegation against the petitioners to cause hand injury to Mohan Mishra. The injury report of Arun Mishra is not available on record. There is case and counter case. The persons of both sides were injured. The petitioner no. 1 has clean antecedent and the petitioner no. 2 has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hajipur in connection with Mahnar P.S Case No. 83 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with a condition/s:-



(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioners is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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