

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23676 of 2024

Arising Out of PS. Case No.-38 Year-2022 Thana- DEWARIA District- Muzaffarpur

1. Shyam Rai Son of Late Rajendra Rai Village - Dubarbanna ps- Deoria Dist- Muzaffarpur
2. Binod Rai son of Rampukar Rai Village - Dubarbanna ps- Deoria Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate
For the Opposite Party/s	:	Mr.Aditya Narayan Singh.1, APP
For the informant	:	Mr. Rajeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2024 Heard Mr. Awnish Kumar, learned counsel for the petitioners and Mr. Rajiv Kumar who represents the informant as also the learned APP for the State.

2. The petitioners are apprehending arrest in connection with Deoria P.S. Case No. 38 of 2022 instituted under Sections 341, 323, 324, 307, 504, 354(A), 354(B), 379/34 of the Indian Penal Code lodged on 10.3.2022 by the informant, Umesh Rai.

3. A perusal of the FIR would show that the specific allegation is against accused Binod Rai (petitioner no.2), Pramod Rai as also Randhir Rai of causing injuries/fractures to the informant's side.



4. So far as the petitioner no.1, Shyam Rai is concerned, omnibus allegation of assault has been attributed on him.

5. Learned counsel for the petitioners submit that similar situate Raj Mangal Rai who has also allegation of omnibus assault like the petitioner no.1 has been extended relief in Cr. Misc. No. 4419 of 2024 on 19.2.2024 by a coordinate bench.

6. Learned counsel for the informant on the other hand drawn attention of this Court in Cr. Misc. No. 82698 of 2023 in the case of Pramod Rai and Randhir Rai whose anticipatory bail were rejected on 7.3.2024 by this Court.

7. Having gone through the facts of the case as also two orders, it is clear as has been incorporated in the aforesaid paragraphs, the allegation is against Pramod Rai and Randhir Rai and in that background, the Cr, Misc. No. 82698 of 2023 was rejected.

8. So far as the petitioner no.1, Shyam Rai is concerned, omnibus allegation is against him and he is at par with the Ran Mangal Rai who has been extended relief in Cr. Misc. No. 4419 of 2024, in that background, so far as the anticipatory bail application of Binod Rai (petitioner no.2) is



concerned, the same stands rejected.

9. So far as the petitioner no.1, Shyam Rai is concerned, taking into account the fact that he has omnibus allegation against him, similar situation another accused, as stated has been extended the relief, this Court is inclined to extend him the privilege of anticipatory bail.

10. Let the petitioner no.1, Shyam Rai be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Deoria P.S. Case No. 38 of 2022 to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur 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 petitioner no.1 Shyam Rai who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 Shyam Rai 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 his bail bond by the Trial Court itself;



(iii) the petitioner no.1 Shyam Rai shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no.1 Shyam Rai shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner no.1 Shyam Rai 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;

(vi) the petitioner no.1 Shyam Rai shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

