

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32180 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- RUDRAPUR District- Madhubani

1. Chilmil Sadai @ Ramavatar Sadai @ Chilmili Sadai Son of Biltu Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
2. Dhanik Lal Sadai @ Dhani Lal Sadai Son of Saryug Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
3. Ram Ghulam Sadai Son of Biltu Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
4. Kumr Sadai @ Kumar Sadai Son of Saryug Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
5. Raghubir Sadai Son of Biltu Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
6. Anita Devi Wife of Binde Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
7. Soniya Devi Wife of Chinku Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
8. Pulkit Sadai Son of Dahorun Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.
9. Chanda Devi Wife of Pulkit Sadai R/O Vill.- Rakhwari, P.S.- Rudrapur, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection
with Rudrapur Police Station Case No. 112/2023 dated
18.09.2023 for the offence punishable under Sections, 143, 341,
323, 307, 379, 504 and 506 of the IPC.

3. As per FIR, on two different occasions i.e., on
12.09.2023, all the FIR named accused persons armed variously



had gone to the orchard of the informant and started harvesting his bananas and when the informant objected, he was thrashed and assaulted with an intention to kill by means of *Lathi*, spade, axe etc. Thereafter, on 17.09.2023, when the son of the informant was watching his harvested bananas in his orchard, on the instigation of FIR named accused persons, petitioner no.8, Pulkit Sadai with an intention to kill his son assaulted him by means of an axe causing cut injury on his head. Other accused persons, present over there, allegedly assaulted the son of the petitioner by means of *Lathi* and *Danda* and also snatched Rs. 2000/- from his pocket.

4. Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely on the basis of previous land dispute. Learned counsel further submits that there is specific allegation against petitioner no.8, Pulkit Sadai who is said to have assaulted the son of the informant by means of an axe and so far as other petitioners are concerned, there is general and omnibus allegation against them and the injuries caused by them are simple in nature. Petitioners claim clean antecedent.

5. Since there is specific allegation against petitioner no.8, Pulkit Sadai, of causing cut injury to the son of the



informant by means of an axe, this Court is not inclined to grant the privilege of anticipatory bail to him. Hence, prayer of petitioner no.8, Pulkit Sadai for anticipatory bail stands dismissed.

6. So far as petitioners no. 1, 2, 3, 4, 5, 6, 7 and 9 are concerned, there is general and omnibus allegation against them and the injuries caused by them are simple in nature, their prayer for anticipatory bail are, hereby, allowed. In the event of arrest/surrender within six weeks from today, let the petitioners, namely, 1.Chilmil Sadai @ Ramavatar Sadai @ Chilmili Sadai, 2. Dhanik Lal Sadai @ Dhani Lal Sadai, 3. Ram Ghulam Sadai, 4. Kumr Sadai @ Kumar Sadai, 5. Raghubir Sadai, 6. Anita Devi, 7. Soniya Devi and 8. Chanda Devi be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Rubi Kumari, Judicial Magistrate 1st Class, Jhanjharpur, Madhubani/court concerned in Rudrapur Police Station Case No. 112/2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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