

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45906 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- GARKHA District- Saran

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1. MANOJ RAI @ MANOJ KUMAR RAI @ AKASH YADAV SON OF BALIRAM RAI R/O VILLAGE- RUSTAMPUR, P.S.- GARKHA, DISTT.- SARAN
 2. RAJESH KUMAR @ RAJESH RAI SON OF LATE VAKIL RAI R/O VILLAGE- RUSTAMPUR, P.S.- GARKHA, DISTT.- SARAN
 3. SANJAY RAI @ SANJAY KUMAR SON OF LATE VAKIL RAI R/O VILLAGE- RUSTAMPUR, P.S.- GARKHA, DISTT.- SARAN
 4. SONU KUMAR @ HIMANSHU KUMAR SON OF SANJAY RAI @ SANJAY KUMAR R/O VILLAGE- RUSTAMPUR, P.S.- GARKHA, DISTT.- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 28-08-2024 1. The prayer for anticipatory bail of the petitioner no. 2 has already been rejected by order dated 24.07.2024.
2. Heard learned counsel for the petitioners no. 1, 3 and 4, Mr. Rabindra Kumar learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 427, 354, 504 and 506 of the Indian Penal Code as well as Section 27 of the Arms Act.
4. Learned counsel for the petitioners submits that petitioners no. 1 and 3 have antecedent of one case and petitioner



no. 4 have antecedent of two cases.

5. The informant alleges that accused persons including the petitioners entered his house and started committing loot and on objection assaulted him by lathi and danda. Further, Baliram Rai assaulted by sword causing injury on head of the informant, thereafter accused persons including Pritam Kumar assaulted Priyanka Kumari by lathi and the accused persons also assaulted his mother by fist and torn her clothes, thereafter Manoj Rai assaulted Manoranjan Kumar by an iron rod causing injury on his head and they looted ornaments, clothes, cash, crops etc. worth Rs.4 lakhs and abused his father and torn the government register.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case by the informant. It is further submitted that from the side of the petitioners Garkha P.S. Case No. 97 of 2024 was instituted against the side of the informant and others. It is next submitted that there is a land dispute in between the parties and no specific allegation of assault is alleged against the petitioners no. 3 and 4. It is also submitted that father of the informant being Sarpanch is trying to usurp the land of the villagers which led to the occurrence. It is further submitted that Manoranjan Kumar suffered simple injury as would manifest from Annexure-2 to the anticipatory bail application. It is fairly submitted that Pritam Kumar is alleged to



have assaulted Priyanka Kumari who received the grievous injury but then Pritam Kumar is not the petitioner in the present case.

7. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that there is no specific allegation of assault against the petitioners no. 3 and 4 and as far as injury inflicted on Manoranjan Kumar is concerned, the same is simple in nature.

8. Considering the submissions made by the learned counsel for the petitioners no. 1, 3 and 4, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Garkha P.S. Case No. 88 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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