

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48292 of 2024

Arising Out of PS. Case No.-38 Year-2021 Thana- GHORASAHAN District- East
Champaran

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1. Pramod Rai @ Pramod Prasad Son of Harendra Rai Resident of village - Ghughua, P.S.- Ghorasahan, District - East Champaran.
 2. Vinod Rai @ Vinod Prasad Son of Harendra Rai Resident of village - Ghughua, P.S.- Ghorasahan, District - East Champaran.
 3. Satyendra Rai @ Satyendra Kumar Son of Harendra Rai Resident of village - Ghughua, P.S.- Ghorasahan, District - East Champaran.
 4. Harendra Rai @ Harindra Rai Son of Raghunandan Rai Resident of village - Ghughua, P.S.- Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Ray, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ghorasahan P.S. Case No. 38 of 2021, registered on 26.01.2021 for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504/34 of the Indian Penal Code.

3. As per the prosecution, F.I.R. has been lodged against nine named accused persons including the present petitioners. It has been mentioned in the F.I.R. that all accused persons reached at the house of the informant and on the question



of land, they were started abusing. On protest, accused Dharmendra Rai has attacked by '*Farsa*' due to which informant got injured, bleeding started and he became injured. The subsequent allegation has come that other accused including the present petitioner no. 2 has assaulted by '*Lathi*' and petitioner no. 1 has tried to outrage the modesty of the female of the family of the informant.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the content of the F.I.R. it became very clear that due to land measurement, the entire dispute had started. He further submits that in the F.I.R. the specific allegation is against accused Dharmendra Rai to assault by '*Farsa*' on the informant's head and against petitioner no. 2 allegation of assault by '*Lathi*' on his hand and head of the informant's brother. He further submits that against rest accused persons there are general and omnibus allegation. He further submits that antecedent of the petitioners is clean and they are ready to fulfill all the conditions whatsoever shall be imposed.

5. Learned Counsel for the State opposes the prayer and submits that there are specific allegation against the two accused persons Dharmendra Rai and Vinod Rai, he submits that Dharmendra Rai is not the petitioner but Vinod Rai is petitioner



no. 2. Counsel further submits that in the case diary it has come that the cause of dispute is for the purpose of re-measurement of the land.

6. Having regard to the facts and circumstances of the case, the petitioner no. 1 Pramod Rai @ Pramod Prasad, petitioner no. 3 Satyendra Rai @ Satyendra Kumar and petitioner no. 4 Harendra Rai @ Harindra Rai, are directed to be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-3rd, Sikrahna at Dhaka, East Champaran in connection with with Ghorasahan P.S. Case No.38 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. So far as the bail application of petitioner no. 2 is concerned, since there is specific allegation of assault on the informant is against petitioner no. 2 Vinod Rai @ Vinod Prasad therefore, this Court is not inclined to grant anticipatory bail to petitioner no. 2. Hence the prayer for anticipatory bail is refused

(Dr. Anshuman, J)

Ankit Kumar/-

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