

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50039 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- KESARIA District- East Champaran

1. Rajesh Rai Son of Pargen Ray R/O Vill.- Bariya, P.S.- Keshariya, Dist.- East Champaran
2. Chandeshwar Rai Son of Late Jagdeo Rai R/O Vill.- Bariya, P.S.- Keshariya, Dist.- East Champaran
3. Pargen Rai Son of Late Jagdeo Rai R/O Vill.- Bariya, P.S.- Keshariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 22-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 451 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 354(B), 324 and 34 of the Indian Penal Code.
3. As per prosecution case, petitioner no. 1 is said to have pointed pistol towards father of the informant, petitioner no. 2 is alleged to be order giver and petitioner no. 3 is said to have assaulted Ram Ayodhya Rai and snatched gold chain from the neck of the informant.
4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Learned counsel for the petitioners submits that petitioners and informant are agnates and there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bond fide land dispute. There is case and counter case between both the parties. The occurrence took place on 05.09.2023 but information was given to police on 08.09.2023 after lapse of three days without explanation, questioning the authenticity of the prosecution story. He further submits that the injury report of Ram Ayodhya Rai is not found on record which falsifies the allegation of assault against petitioner no. 3 and allegation of snatching gold chain is nothing but superaddition. Petitioners bear criminal antecedent of one case in which they are on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East



Champan in connection with Kesariya P.S. Case No. 451 of 2023,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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