

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51895 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- DUMRA District- Sitamarhi

-
1. Ram Vinay Rai @ Vinesh Rai S/O Hukum Rai
 2. Abhay Rai @ Abhay Kumar S/O Ram Vinay Rai @ Vinesh Rai
 3. Balkeshri @ Balkeshi Devi W/O Dilip Rai
 4. Raghubir Rai S/O Laxmi Rai
 5. Laddu Kumar @ Laddu Rai S/O Naval Rai
 6. Anita Devi @ Awita Devi W/O Sohan Rai
 7. Nagina Devi W/O Dinesh Rai, all are R/O Village- Gopnathpur, P.S- Dumra,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP
Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioners, learned
APP for the State and the learned counsel appearing on behalf of
the informant.
2. Learned counsel for the petitioners seeks
permission to withdraw the anticipatory bail application with
respect to petitioner no.7, Nagina Devi.
3. Permission is accorded.



4. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.7.

5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the IPC in connection with Dumra P.S. Case No.194 of 2024.

6. It is next submitted that petitioner no.1 has antecedent of four cases, petitioner no.2 and 3 have antecedent of three cases, petitioner no.4 and 6 are persons with clean antecedent and petitioner no.5 has antecedent of one case and petitioner no.3 and 6 are women and the informant alleges that accused persons including the petitioners came on 02.05.2024 and assaulted him indiscriminately by sharp edged weapon, lathi and danda, further Bhishma and Dilip strangled him with towel, thereafter, accused persons also assaulted co-villager Bikan, Ramesh and Deepak who came to save him and also snatched his golden chain.

7. The learned counsel submits that petitioners have been falsely implicated in the instant case by the informant with general and omnibus allegation of assault. It is further submitted that Bhishma and Dilip were implicated in the instant case for the reason that sons of Dilip was murdered for which Dumra



P.S. Case No.258 of 2023 was instituted against the accused persons of that case by Dilip and the informant in Dumra P.S. Case No.258 of 2023 was siding with the accused persons, which was objected by the side of the petitioners as such Dilip along with Bhishma were implicated with ornamental allegation of trying to strangle the informant by towel. It is further submitted that the allegation of assault is not specific as such whether it would be prudent for this Court to reject the anticipatory bail application of the petitioners when allegation of assault is not specific and the injuries suffered by the injured though grievous but is on non-vital part of the body except that of Bikau Rai who has suffered one injury on head, but then more than fifty accused are alleged to have committed the occurrence.

8. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then the learned counsel appearing on behalf of the informant submits that the petitioners were aggrieved by the fact that informant was siding with the accused of Dumra P.S. Case No.258 of 2023 and thus the instant occurrence took place, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the



allegation of assault is not specific. It is also submitted that if privilege of anticipatory bail is granted to the petitioners, in that event the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence that they were not involved in the occurrence.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No.194 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at



liberty to cancel the bail bonds of the petitioners.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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

