

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52264 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- DUMRA District- Sitamarhi

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1. Ram Vinay Rai @ Vinesh Rai Son of Ram Lochan Rai @ Hukum Rai, R/o Vill.- Gopnathpur, P.S.- Dumra, Dist.- Sitamarhi.
 2. Abhay Rai @ Abhay Kumar Son of Ram Vinay Rai @ Vinesh Rai, R/o Vill.- Gopnathpur, P.S.- Dumra, Dist.- Sitamarhi.
 3. Ravi Rai Son of Ram Vinay Rai @ Vinesh Rai, R/o Vill.- Gopnathpur, P.S.- Dumra, Dist.- Sitamarhi.
 4. Dilip Rai Son of Ramanand Rai, R/o Vill.- Gopnathpur, P.S.- Dumra, Dist.- Sitamarhi.
 5. Sohan Rai Son of Ram Nikil Rai, R/o Vill.- Gopnathpur, P.S.- Dumra, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate.
For the State	:	Mr. Yogendra Kumar, APP.
For the Informant	:	Mr. Ajay Kumar Singh No.I, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 28-08-2024 Learned counsel for the petitioner no.4 seeks permission to withdraw the present Cr. Misc. Application for petitioner no.4, namely, Dilip Rai with liberty to surrender before the learned Court below within four weeks.

2. Permission is accorded.

3. Accordingly, the present Cr. Misc. Application is dismissed as withdrawn for petitioner no.4, namely, Dilip Rai with liberty to surrender before the learned Court below within four weeks.



4. Heard learned counsel for the petitioner nos.1, 2, 3 & 5, learned Additional Public Prosecutor for the State and learned counsel for the informant.

5. The petitioner nos.1, 2, 3 & 5 apprehend their arrest in connection with Dumra P.S. Case No.125 of 2024 instituted under Sections 341, 323, 324, 307, 504 & 506/34 of the Indian Penal Code.

6. As per the prosecution case, all the accused persons including the petitioners abused the informant while he was returning to home. In the meantime, accused Dilip Rai ordered to kill the informant and assaulted on the chest of the informant by knife, thereafter other accused persons also started assaulting by means of *lathi*, *danda* and iron rod, by which the informant got unconscious.

7. Learned counsel for the petitioner nos.1, 2, 3 & 4 submits that petitioners are innocent and have been falsely implicated in this case due to previous enmity between the parties. He further submits that there is no specific allegation against these petitioners. Learned counsel submits that the members of the prosecution side have killed the son of petitioner no.4 and only with a view to create pressure upon them, these petitioners have been falsely implicated in this case.



With respect to criminal antecedent of petitioners, learned counsel for the petitioner nos.1, 2, 3 & 5 submits that for one incident, the prosecution side has filed two cases. Learned counsel for the petitioner nos.1, 2, 3 & 5 further submits that petitioners undertake to cooperate in the investigation and trial.

8. Learned counsel for the informant and learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner nos.1, 2, 3 & 5 be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Dumra P.S. Case No.125 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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