

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57576 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- RAGHOPUR District- Vaishali

- 1. Rahul Kumar son of Dharmdas Rai @ Dharamveer Ray Village- Jafrabad Dih, PS- Raghobpur, Rustampur OP, District- Vaishali
- 2. Rajendra Rai son of Munshi Rai Village- Jafrabad Dih, PS- Raghobpur, Rustampur OP, District- Vaishali
- 3. Pawan Kumar son of Rajendra Rai Village- Jafrabad Dih, PS- Raghobpur, Rustampur OP, District- Vaishali
- 4. Arjun Rai son of Late Sipahi Rai Village- Jafrabad Dih, PS- Raghobpur, Rustampur OP, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 58303 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- RAGHOPUR District- Vaishali

- 1. Dharmdas Rai son of Late Sipahi Rai Village- Jafrabad Dih Ps- Raghobpur Rustampur OP Dist- Vaishali
- 2. Umesh Rai son of Rajendra Rai Village- Jafrabad Dih Ps- Raghobpur Rustampur OP Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57576 of 2024)

For the Petitioner/s	:	Mr. Abhijeet Gautam, Advocate
	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mr. Arvind Kumar Pandey, APP
For the Informant	:	Mr. Shyamli Kumari, Advocate

(In CRIMINAL MISCELLANEOUS No. 58303 of 2024)

For the Petitioner/s	:	Mr. Abhijeet Gautam, Advocate
	:	Mr. Deepak Kumar Singh, Advocate
For the State	:	Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-12-2024 Heard Mr. Abhijeet Gautam, learned counsel for the
petitioner and Ms. Shyamli Kumari learned counsel representing



the informant as also learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Raghapur (Rustampur O.P) P.S. Case No. 262 of 2023 for the offence under Sections 147, 148, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code lodged on 01.11.2023 by the informant, Manish Rai.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came to their door and started abusing. Upon protest, allegation that;

- i. Umest Rai caught hold of him while
- ii. Dharamdas Rai and Arjun Rai as also Pawan Kumar gave lathi blows.

When his father and grand father came to his rescue, allegation is that;

- iii. Rajendra Rai caught hold of him;
- iv. Dharamdas Rai and Umesh Rai gave bhala blow causing serious injury.

4. It is further alleged that when his younger brother Bittu came to rescue Dharam Das Rai gave him bhala blow too. Allegation against Kundan Rai, Rahul Kumar and Pawan Kumar is of snatching the chain. As the locals assembled, the accused escaped. The injured were taken Raghapur Primary



Health Centre, then to N.M.C.H. Patna and finally to P.M.C.H. Patna.

5. It is the case of the petitioners that injury has not come in the learned Sessions Judge order and as such, all the allegation that has come in the F.I.R. is exaggerated. They are locals, only due to enmity, each and everyone has been assigned role.

6. Learned counsel for the informant on the other hand has taken this Court to the last paragraph of the F.I.R. to show that the injured were not only taken to the Primary Health Centre, Raghapur, shifted to N.M.C.H. Patna and considering the injury finally went to P.M.C.H. Patna and as such, the said statement has to be rejected.

7. Considering the submissions put forward by the parties and having perused the F.I.R. and the allegation that has come against the petitioner no.2 Rajendra Rai and petitioner no.4 Arjun Rai in Cr. Misc. No.57576 of 2024 and Dharamds Rai as also Umesh Rai in Cr. Misc. No. 58303 of 2024, no case for anticipatory bail is made out against them. Accordingly, their anticipatory bail stands rejected.

8. So far as the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024



are concerned, allegation of snatching chain is there, they do not have criminal antecedent, in that background, this Court is inclined to extend them the privilege of bail.

9. Let the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024 be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Raghopur (Rustampur O.P) P.S. Case No. 262 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024 who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;



(iii) the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.1 Rahul Kumar and petitioner no.3 Pawan Kumar in Cr. Misc. No. 57576 of 2024 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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