

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66071 of 2024

Arising Out of PS. Case No.-142 Year-2024 Thana- SIDHWALIYA District- Gopalganj

1. Chhathu Rai @ Chhathu Raye son of Late Mosarif Rai @ Late Musafir Ray Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
2. Manoj Rai son of Birendra Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
3. Sandeep Rai @ Sandeep Kumar son of Bhola Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
4. Balindra Rai son of Late Hira Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
5. Radheshyam Rai @ Radheshyam son of Lalan Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
6. Sikandar Rai @ Sikandra Rai son of Sipahi Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
7. Ashok Rai son of Narsingh Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj
8. Saroj Rai son of Narsingh Rai Village - Sadauwa, P.S -Sidhwalia, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in Sidhwaliya P.S. Case No. 142 of 2024, registered under Sections 147, 149, 447, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.



3. The prosecution case, in short, is that, the petitioner along with other co-accused persons armed with deadly weapons entered the house of the informant and brutally assaulted him along with his family members due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel for the petitioners also submits that there is case and counter case between the parties. It is alleged that allegation of assault has been attributed against petitioner nos. 1, 3, 4 and 5. It is further submitted that no specific over act has been attributed against petitioner nos. 2, 6, 7 and 8, rather the allegations levelled against them are general and omnibus in nature. Petitioner No. 4 has got one criminal antecedent in which he is on bail and petitioner nos. 1, 2, 3, 5, 6, 7 and 8 have got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP for the State further submits that there is specific allegation of assault against petitioner nos. 1, 3, 4 and 5 by means of iron rod, *tangi* and *farsa* causing injury to the informant, Upendra Rai and Raju Yadav. Hence, petitioner nos. 1, 3, 4 and 5 do not



deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the specific allegation of assaulting the informant along with Upendra Rai and Raju Yadav against petitioner nos. 1, 3, 4 and 5, this Court is not inclined to grant bail to petitioner nos. 1, 3, 4 and 5. So far as remaining petitioners, i.e. petitioner nos. 2, 6, 7 and 8, are concerned, although there being specific allegation against them, this Court is inclined to grant bail to them (i.e. petitioner nos. 2, 6, 7 and 8).

7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 1, namely, Chhathu Rai, petitioner no.3, namely Sandeep Rai, petitioner no. 4, namely, Balindra Rai and petitioner no. 5, namely, Radheshyam Rai is hereby, **rejected**.

8. So far as petitioner nos. 2, 6, 7 and 8 are concerned, let the petitioners (**i.e. petitioner nos. 2, 6, 7 and 8,**) above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sidhwaliya P.S. Case No. 142 of 2024,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

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