

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72636 of 2023

Arising Out of PS. Case No.-305 Year-2023 Thana- MADHAURAH District- Saran

1. KASHINATH RAI S/O JODHA RAI VILLAGE- SEMRAHIYAN, PS. MARHOWRAH, DIST. SARAN AT CHAPRA
2. DEPANKAR RAI @ RAUSHAN RAI @ DEPANKAR YADAV S/O RAVINDRA RAI VILLAGE- SEMRAHIYAN, PS. MARHOWRAH, DIST. SARAN AT CHAPRA
3. SHAMBHU RAI @ SHAMBHU KUMAR RAI S/O RAM ISHWAR RAY VILLAGE- SEMRAHIYAN, PS. MARHOWRAH, DIST. SARAN AT CHAPRA
4. RAHUL YADAV @ RAHUL KUMAR YADAV S/O ACHHELAL RAY VILLAGE- SEMRAHIYAN, PS. MARHOWRAH, DIST. SARAN AT CHAPRA
5. GOVIND YADAV @ GOVIND KUMAR S/O CHANDARMA RAY VILLAGE- SEMRAHIYAN, PS. MARHOWRAH, DIST. SARAN AT CHAPRA
6. SANTOSH YADAV @ SANTOSH RAI S/O SURAJ YADAV VILLAGE- SEMRAHIYAN, PS. MARHOWRAH, DIST. SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 447, 341, 323, 325, 307, 379, 504, 506, 427 of the Indian Penal Code.

3. Allegedly, due to some dispute, all the FIR named



accused persons including the petitioners are said to have attacked upon the members of marriage procession. They damaged the furniture and other articles and also committed loot. They assaulted the innocent persons, who were present there in the marriage procession due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is totally false and based on concocted facts. There is case and counter case between the parties. From the facts mentioned in the FIR, it is evident that that scuffle took place between the parties in a marriage function in the village and in the said scuffle, there was free fighting between them due to which both the parties sustained several injuries. It is further submitted that the nature of allegation of committing the occurrence of assault is general and omnibus. Petitioner no.1 has one criminal antecedent, whereas rest of the petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail



and submits that some of the injuries of the injured Sarvjeet Chaturvedi and injured Birendra Ojha were found grievous in nature, which is also evident from the injury report of both the injured persons. Hence, the petitioners do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as from perusal of the FIR, it is evident that there is general and omnibus allegation against these petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Marhowrah P.S. Case No. 305 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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