

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72723 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Sanjay Rai S/O Satya Narayan Rai R/O Village- Parewa, P.S- Shikarganj, Distt.- East Champaran, Motihari.
2. Shivnath Rai S/O Satya Narayan Rai R/O Village- Parewa, P.S- Shikarganj, Distt.- East Champaran, Motihari.
3. Krishna Rai S/O Late Jaimangal Rai R/O Village- Parewa, P.S- Shikarganj, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-10-2024 Learned counsel for the petitioners is permitted to
make necessary correction in para 3 of the bail petition.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

3. The petitioners are apprehending their arrest in
connection with Chiraiya (Sikarganj O.P.) P.S. Case No.
102/2023 registered for the offences punishable under Sections
341, 323, 337, 307, 379, 504/34 of the Indian Penal Code.

4. As per prosecution case, petitioners and others
are said to have assaulted the informant and his son by means of
lathi-danda and *bricks* and *stones*. It is alleged that there is



specific allegation against co-accused Ajay Rai who said to have assaulted the informant's son by means of *khanti* as a result of which he became unconscious.

5. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to land dispute. Petitioner nos. 1 & 2 bear no criminal antecedent and petitioner no.3 bears one criminal antecedent in which he is on bail. He further submits that there is no specific allegation against the petitioners, rather allegations are general and omnibus in nature. He further submits that there is specific allegation against co-accused Ajay Rai who is said to have assaulted the informant's son by means of *khanti* and the said injury is kept reserved by the doctor. He further submits that there is land dispute between the parties and in the cases of land dispute facts are generally exaggerated to make the case graver. He further submits that in the light of the aforesaid facts and circumstances of the case, no offence is made out against the petitioners under section 307 of the I.P.C. and Section 379 is ornamental in nature.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-19, East Champaran, Motihari in connection with Chiraiya (Sikarganj O.P.) P.S. Case No. 102/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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