

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75940 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- BATHNAHA District- Sitamarhi

1. Dhananjay Rai @ Dhanjay Kumar S/O Late Laxmi Rai Resident of Village- Naraha, P.S- Bath-Naha, District- Sitamarhi.
2. Chandra Vijay Rai S/O Late Laxmi Rai Resident of Village- Naraha, P.S- Bath-Naha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Bathnaha P.S. Case No. 217 of 2024 dated 30.05.2024, lodged under Sections 341, 323, 324, 326, 307, 506, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against two named accused persons (both the petitioners) against whom there is an allegation that they have assaulted the informant and his uncle by *lathi*, *danda* and *kudal*.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Counsel also submits that the criminal antecedent of the petitioners are clean. Counsel further submits that the petitioners have no intention to kill the informant and his uncle and the alleged occurrence took place on account of land disputes between the parties. Counsel submits that there is general and omnibus allegation against petitioner no.2.

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

6. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.2 be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Sitamarhi in connection with Bathnaha P.S. Case No. 217 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. So far as the case of petitioner no.1 is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of petitioner no.1 is hereby rejected with liberty that if he surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is



directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner no.1 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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