

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76009 of 2023**

Arising Out of PS. Case No.-275 Year-2023 Thana- BAJPATTI District- Sitamarhi

1. RAJ NANDAN RAI S/O LATE GARBHU RAI R/O VILLAGE- BISHUNPUR, P.S- BAJPATTI, DISTT.- SITAMARHI.
2. KAUSHAL RAI S/O TALESHWAR RAI R/O VILLAGE- BISHUNPUR, P.S- BAJPATTI, DISTT.- SITAMARHI.
3. MAHESH KUMAR S/O LAL BABU RAI R/O VILLAGE- BISHUNPUR, P.S- BAJPATTI, DISTT.- SITAMARHI.
4. DEEPAK KUMAR S/O RAJ NANDAN RAI R/O VILLAGE- BISHUNPUR, P.S- BAJPATTI, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      07-03-2024      1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Bajpatti P.S. Case No. 275 of 2023 dated 11.09.2023 registered under Sections 341, 323, 325, 307, 379, 504/34 of the I.P.C.

3. As per the First Information Report on 15.08.2023 while the informant was coming back from his orchard, the accused persons surrounded him. The petitioner no. 1 / Raj Nandan Rai and petitioner no. 2 / Kaushal Rai ordered to tie his hand and leg. Thereafter, the co- accused / Mahesh Rai tied the hand and leg of the informant. They dragged him on the ground. The



co-accused: Dhanjit Rai sat on his chest and the petitioner no. 4 / Deepak Kumar administered wine to the informant. The co-accused / Sandeep Kumar assaulted the informant with iron rod and co-accused / Sanjit Kumar assaulted with *lathi* from head to leg. The other accused persons also assaulted him causing injury in the right leg.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case after delay of about 27 days on the basis of a concocted story due to admitted land dispute. According to the petitioners on 15.08.2023 the informant was arrested by the Police in inabriated condition and was taken to hospital and thereafter he was produced before the Special Judge on 16/08/2023. The informant was released on bail after payment of penalty of Rs. 2000/- by the Special Judge. Neither before the Police nor in the hospital and / or before the Special Judge the informant or his family members disclosed regarding the assault made to him by the petitioners on 15.08.2023. One of the co-accused / Sandeep Kumar against whom there is allegation of assault on the leg of the informant has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No.76344 of 2023 dated 05.12.2023.

5. On the other hand, learned counsel for the informant



vehemently opposed the prayer for bail and submits in fact the informant was discharged from Sadar Hospital, Sitamarhi on 16.08.2023 and on 17.08.2023 he was admitted in Medanta hospital. During the course of treatment due to severe assault made by the accused persons on the leg of the informant, his right leg has been amputated by the doctor at Medanta hospital. The informant was discharged from hospital on 08.09.2023 and on 11.09.2023 the present F.I.R. has been lodged.

6. I have heard learned counsel for the parties and have gone through the materials on record. From perusal of the same it appears that land dispute between them is admitted, on the date of occurrence the informant was arrested by the Police and was taken to hospital as well as produced before the Special Judge but the informant did not disclose the incident before them and not even at the time when he surrendered and format- 6A was submitted before the Special Judge under the signature of the informant and one of the co-accused persons namely, Sandeep Kumar having allegation of assault on the leg has been granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on  
furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each  
with two sureties of the like amount each to the satisfaction of  
learned Judicial Magistrate-1<sup>st</sup> Class Pupri, Sitamarhi in  
connection with Bajpatti P.S. Case No. 275 of 2023 subject to  
the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

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