

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80883 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- DESARI District- Vaishali

1. Arbind Rai @ Arbind Kumar S/O Surendra Rai R/O Village- Nayagaon, Bariyarpur, P.S- Desari, Distt.- Vaishali.
2. Manish Rai @ Manish Kumar S/O Surendra Rai R/O Village- Nayagaon, Bariyarpur, P.S- Desari, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Desari P.S. Case No. 159 of 2023 dated 08.05.2023 instituted
for the offence punishable under Sections 341, 323, 324, 379,
436, 354, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners and other co-ac-
cused persons is that they assaulted the informant and her hus-
band with danda, iron rod and sharp edged *Garasa* with intent to
kill, and took away Rs. 5000/- in cash and gold ornaments from
her house. It is also alleged that they set her house on fire.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that as per the injury report, injury sustained by the informant and her husband is simple in nature caused by hard and blunt substances. Learned counsel for the petitioners submits that both the parties are agnates. Due to land dispute between them, the said case has been lodged. There is no evidence about the allegation of setting the house of the informant on fire in the case diary, as such, no offence under Section 436 IPC is made out against the petitioners. It is submitted that the mother of the petitioners has also lodged F.I.R. against the informant's family members on the same day bearing Desri P.S. Case no. 160 of 2023. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Desari P.S. Case No. 159 of 2023, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned



A.C.J.M.,- IX, Vaishali at Hajipur subject to condition as laid
down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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