

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83165 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- PANAPUR District- Saran

1. Badri Rai S/O Late Sukai Rai R/O Village And P.O.- Dhenuki, Ps. Panapur, Dist. Saran At Chapra-841417.
2. Manti Devi W/O Badri Rai R/O Village And P.O.- Dhenuki, Ps. Panapur, Dist. Saran At Chapra-841417.
3. Nagendra Rai S/O Badri Rai R/O Village And P.O.- Dhenuki, Ps. Panapur, Dist. Saran At Chapra-841417.
4. Satyendra Rai S/O Badri Rai R/O Village And P.O.- Dhenuki, Ps. Panapur, Dist. Saran At Chapra-841417.
5. Mukesh Rai S/O Badri Rai R/O Village And P.O.- Dhenuki, Ps. Panapur, Dist. Saran At Chapra-841417.
6. Varun Rai S/O Badri Rai R/O Village And P.O.- Dhenuki, Ps. Panapur, Dist. Saran At Chapra-841417.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that petitioner no. 1, namely, Badri Rai has been arrested during the pendency of this anticipatory bail application, as such, he wants to withdraw the anticipatory bail application on behalf of petitioner no. 1.

3. Accordingly, anticipatory bail application is dismissed as withdrawn in so far as it relates to petitioner no. 1,



namely, Badri Rai.

4. The anticipatory bail application, now, confines to petitioner nos. 2 to 6.

5. The petitioners nos. 2 to 6 apprehend arrest in connection with Panapur P.S. Case No. 180 of 2023 dated 23.07.2023 instituted for the offence punishable under Sections 147, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code.

6. The prosecution case, in short, is that on 23.07.2023 at about 10.30 am, due to land dispute, all the petitioners armed with lathi danda and Kudal, assaulted the informant. It is alleged that petitioner no. 4, namely, Satyendra Rai assaulted on the head of the informant by iron rod. It is also alleged that all the petitioners have also assaulted his brother, son and sister-in-law(*Bhawe*).

7. 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 there is a land dispute between the parties. Allegation levelled against the petitioners are general and omnibus. Learned counsel for the petitioners submits that there is a counter case bearing Panapur P.S. Case No. 181 of 2023, which has been lodged by the petitioner's side against the informant and his family members, in which



petitioners' side received serious injury. Learned counsel for the petitioners submits that injuries sustained by the informant's side in the present case are simple in nature, caused by hard blunt substances. Learned counsel for the petitioners further submits that both the sides are agnates. Lastly, it has been submitted that petitioner nos. 2, 4 and 6 have one criminal case against them, while petitioner nos. 3 and 5 have no criminal antecedents.

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

9. 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 petitioner nos. 2 to 6 within a period of six weeks from today, in connection with Panapur P.S. Case No. 180 of 2023, they shall be released on anticipatory 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 Additional Chief Judicial Magistrate- VIth, Saran at Chapra subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioners nos. 2 to 6 shall co-operate in the trial and shall be properly represented on each and



every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners nos. 2 to 6 are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners nos. 2 to 6 tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

