

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85695 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Pappu Rai @ Pappu Kumar Son Of Shivrath Rai, Resident Of Village - Bhediya, P.S. - Chiraiya, District - East Champaran.
2. Vicky Rai @ Vicky Kumar Son Of Mohan Rai, Resident Of Village - Bhediya, P.S. - Chiraiya, District - East Champaran.
3. Rahul Rai @ Rahul Kumar Son Of Mohan Rai, Resident Of Village - Bhediya, P.S. - Chiraiya, District - East Champaran.
4. Rajan Rai @ Rajan Kumar Son Of Umakant Rai, Resident Of Village - Bhediya, P.S. - Chiraiya, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Jitendra Kumar, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Jitendra Kumar, the learned counsel for the petitioners and Mr. Ram Anurag Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chiraiya PS Case No. 111 of 2023, FIR dated 11.03.2023, registered for the offences punishable under Sections 341, 323, 325, 307, 447, 379, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the accused persons earlier attempted to murder the informant's daughter for which Chiraiya PS Case No. 386 of 2021 was lodged. It is further alleged



that after rejection of the anticipatory bail petition of the accused persons, all the FIR named accused persons tried to put pressure on the informant to compromise the case, however, when the informant's husband refused to do so, all the FIR named accused persons including the petitioners-accused came to the house of the informant and assaulted her husband due to which he sustained head injury.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated. He further submits that in fact, upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act, rather there is general and omnibus allegation against all the accused persons including the petitioners and it also appears that allegation against petitioner nos. 3 and 4 is that they have assaulted the husband of the informant by means of *lathi* and thereafter, all the accused persons have assaulted the husband of the informant with *lathi*. He further submits that due to non-compromise in the earlier lodged Chiraiya PS Case No. 386 of 2021, the present occurrence has taken place. He lastly submits that although the husband of the informant has received the injury, but the injury report of the husband of the informant suggests that he has received the injury on his leg, which is non-vital part of the body.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that from bare perusal of the FIR, it appears that the petitioners are named in the FIR and there is specific allegation against them that they have assaulted the husband of the informant and apart from that, petitioner no. 1 carries one more criminal antecedent other than the present one while petitioner nos. 2, 3 and 4 have clean antecedents, however, he fairly admits that petitioner no. 1 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioners and informant's injury is on non-vital part of the body, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sikrahna at Dhaka, East Champaran, where the case is pending in connection with **Chiraiya PS Case No. 111 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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