

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2223 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- DORIGANJ District- Saran

1. DINA RAI @ DINA NATH RAY SON OF NATHA RAY @ RAJNATH RAY Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran
2. NARESH RAI @ RAM NARESH RAI @ RAM NARESH RAY SON OF NATHA RAY @ RAJNATH RAY Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran
3. YOGENDRA RAI @ YOGENDAR RAY @ YOGINDRA RAI SON OF DINANATH RAY @ DINA RAI Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran
4. AKHILESHWAR RAI @ AKHILESHWAR RAY@ AKHILESH RAI SON OF DINANATH RAY @ DINA RAI Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran
5. DHARMENDRA RAI @ DHARMENDRA RAY SON OF DINANATH RAY @ DINA RAI Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran
6. VISHWAKARMA KUMAR SON OF RAM NARESH RAI @ NARESH RAI Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran
7. UJJAWAL KUMAR @ UJJVAL KUMAR @ UJJWAL KUMAR SON OF YOGENDRA RAI @ YOGENDAR RAY Resident of Village - Balwan Tola, Police Station - Doriganj, District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-01-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 324, 379, 504 and 34 of the Indian Penal Code.



3. As per the prosecution case, on the alleged date and time of occurrence, all the accused persons named in the F.I.R. including these petitioners assaulted the informant and her family members. It is further alleged that Akhilesh Rai (petitioner no. 4) caught the hand of informant with bad intention and dragged her, Vishwakarma Kumar (petitioner no. 6) torn her clothes, whereas, Ujjawal Kumar (petitioner no. 7) snatched gold Mangal-Sutra and ear ring from the informant.

4. It is submitted on behalf of petitioners that allegation of assault is general and omnibus and no specific overt act has been alleged against these petitioners. Both parties are co-villagers. There is case and counter case. It is further submitted that petitioners' side have also received injuries.

5. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation of assault against petitioner no. 1 (Dina Rai) and petitioner no. 3 (Yogendra Rai), who have caused grievous injuries.

6. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioners no. 1 and 3 is refused.

7. So far as prayer for anticipatory bail of remaining



petitioner i.e. petitioners no. 2, 4, 5, 6 and 7, as named above, is concerned, in the event of their arrest/surrender within a period of six weeks from today, they are directed to be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra in connection with Doriganj P.S. Case No. 18 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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