

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3330 of 2025

Arising Out of PS. Case No.-45 Year-2024 Thana- RIGA District- Sitamarhi

1. Lalit Rai @ Lalit Kumar S/O Late Ram Lagar Rai @ Ramlagan Rai
Resident of Village- Raiji Tola, Sankhi Pakri, P.S- Riga, Distt.- Sitamarhi.
2. Shiv Ji Rai S/O Late Brajnandan Rai R/O Ward No.-01, Village- Sankhi,
P.S- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard the learned Advocate for the petitioners and the
learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Riga P.S. Case No. 45 of 2024, registered for the offences
punishable under Sections 147, 149, 447, 341, 323, 307, 354,
379, 427, 504 and 506 of the Indian Penal Code.

3. On the fateful day, when the nephew of the
informant, who used to ride e-rickshaw went along with some
passengers, in the meantime, he was apprehended and assaulted
by some persons. On the said information, when the informant
along with other persons went to the place of occurrence, all the
FIR named accused persons, including the petitioners brutally



assaulted the informant and others, due to which *Sakal Sah* and *Ashok Kumar* have sustained serious injuries. The accused persons also damaged the e-rickshaw.

4. Learned Advocate for the petitioners contended that the FIR clearly demonstrate that save and except the omnibus nature of allegation against all the accused persons, ten in number and unknown persons, there is no material specifically alleged about the participation of the petitioners in crime and even if the allegation taken to be true, for the sake of argument, the petitioners can be said to be a member of the unlawful assembly. Drawing the attention of this Court to the impugned order, it is further contended that knowingly the nature of the injuries have not been discussed by the learned jurisdictional Court and *prima facie* it appears that the injuries were not serious or grievous in nature. There is a counter version of the present case also. Moreover, the petitioners, having absolutely fair antecedent, they undertake before this Court that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation, coupled with the factum of case and counter case and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 45 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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