

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6401 of 2025**

Arising Out of PS. Case No.-393 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Shiv Nath Rai S/O Dwarika Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran
2. Rajendra Rai S/O Late Mathu Rai @ Methur Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran
3. Vinesh Rai S/O Birja Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran
4. Manish Rai @ Manish Kumar S/O Kisan Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran
5. Kisan Rai S/O Rajendra Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran
6. Gadena Rai S/O Rajendra Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran
7. Taranan Rai @ Taranand Rai S/O Bhaiya Ram Rai Resident of Village - Amgachhi, P.S. - Chiraiya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP  
Mr. Shashi Bhushan Pandey, Adv.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

**ORAL ORDER**

2      19-02-2025                      Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. At the very outset, learned counsel for the petitioners submits that in view of arrest of the petitioner no. 5 namely, Kisan Rai, during pendency of the present application, the same has become infructuous in so far as it relates to petitioner no. 5.

3. Accordingly, the anticipatory bail application is dismissed as withdrawn so far as it relates to petitioner no. 5.



4. The petitioners apprehend arrest in connection with Chiraiya PS Case No. 393 of 2024 instituted for the offence punishable under Sections 126(2), 115(2), 118(1), 117(2), 110, 74, 352 and 3(5) of the Bharatiya Nayay Sanhita 2023.

5. As per the prosecution case, all the FIR named accused persons armed with weapons came at the house of the informant and it is alleged that petitioner no.4, namely, Manish Rai and co-accused Dhananjya Kumar dashed the uncle of the informant wrapped towel on his neck. It is further alleged that petitioner no.5, Kisan Rai, assaulted the informant by means of *Farsa* and petitioner no.4, Manish Rai @ Manish Kumar assaulted him by means of knife, as a result of which, he received injury on his head. It has further been alleged that the petitioner no.2, Rajendra Rai, also assaulted the informant by means of *lathi* and when the family members of the informant intervened then all the accused persons assaulted them and disrobed the female members of the informant's family. The further allegation is that petitioner no.1 Shiv Nath Rai and the petitioner no.3, Vinesh Rai also committed theft of clothes and ornaments worth of Rs two lacs.

6. 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 no specific allegation of assaulted against petitioner nos. 1, 3, 6 and 7, namely, Shiv Nath Rai, Vinesh Rai, Gadena Rai and Taranan Rai @ Taranand Rai. It is further submitted that allegation of assault is general and omnibus by means of *lathi*. It is submitted that there is case and counter case between the parties. The counter case has been lodged by petitioner no.2, Rajendra Rai bearing Chiraiya P.S. Case No. 397 of 2024 under Sections 126(2),115(2),117(2), 74,75, 352, 351(2) & 3(5) of the B.N.S against the informant. Lastly, it has been submitted that petitioners have no criminal antecedents.

7. Learned counsel for the informant and learned APP for the State have opposed the prayer for anticipatory bail. Learned counsel for the informant, referring to the injury report, submits that it does not disclose that the injury suffered by the injured persons caused by the hard and blunt substance. So far allegation against petitioner nos. 2 and 4, namely, Rajendra Rai and Manish Rai @ Manish Kumar respectively are concerned, there is specific allegation against them of assaulting the informant by means of *lathi* and knife.

8. Since there is specific allegation against petitioner Nos. 2 and 4 of assaulting the informant by means of *lathi* and



knife causing head injury to the informant, this Court is not inclined to extend the privilege of anticipatory bail to petitioner No.2 and 4, namely, Rajendra Rai and Manish Rai @ Manish Kumar. The prayer for bail is rejected.

9. So far petitioner nos. 1,3, 6 and 7 are concerned, there is no specific allegation of assault against them rather the allegation is general and omnibus in nature, this Court is inclined to extend the privilege of anticipatory bail to petitioner Nos. 1,3, 6 and 7.

10. Let petitioner No.1,3,6 and 7 namely, Shiv Nath Rai,, Vinesh Rai, Gadena Rai and Taranan Rai @ Taranand Rai in the event of arrest or surrender before the Court below within six weeks from today, 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 CJM, East Champaran, Motihari, in Chiraiya PS Case No. 393 of 2024, G.R. case no. 915 of 2024 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

11. The application stands partly allowed.

**(Khatim Reza, J)**

shyambihari/-

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