

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20313 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- RAJEPUR District- East Champaran

1. Braj Kishor Rai S/O Dhanu Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran
2. Chandrakishor Rai @ Chandrakishor Kumar S/O Dhanu Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran
3. Shail Kishor Kumar @ Shail Kumar S/O Dhanu Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran
4. Dhanu Rai S/O Late Hevan Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran
5. Mukesh Rai S/O Vilash Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran
6. Pramod Kumar @ Pramod Rai S/O Vilash Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran
7. Vilash Rai S/O Ambika Rai R/O Village-Sahbajiya, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate
For the State : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-04-2025 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. appearing on behalf of the State.

2. The prayer for grant of anticipatory bail to
Petitioner No. 4 has already been dismissed as withdrawn vide
order dated 03.04.2025.

3. The Petitioner Nos. 1, 2, 3, 5, 6 and 7 apprehend
their arrest in a case registered for the offence punishable under
Sections 126(2), 115(2), 109, 303(2), 352 and 3(5) of the B.N.S.



and Sections 3 and 4 of the Bihar Witchcraft Prevention Act.

4. The prosecution story, in brief, is that these petitioners, along with other accused persons named in the F.I.R., abused and assaulted informant. It is further alleged that when mother of informant came to save him, all the accused persons assaulted her by means of rod and fist due to which she sustained several injuries.

5. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. As a matter of fact, both parties are *Gotiyas* and due to land dispute a simple *maar-peeet* took place in which both sides sustained injuries. There is case and counter-case between the parties. Injuries, allegedly caused by Petitioner Nos. 1, 2, 5, 6 and 7, have been opined to be simple in nature.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. with specific accusation that they, along with other accused persons, assaulted informant and his mother. Doctor has found the injuries, allegedly caused by Petitioner No. 3, to be grievous in nature.



7. Considering the specific and direct nature of accusation and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to Petitioner No. 3 is rejected.

8. So far as Petitioner Nos. 1, 2, 5, 6 and 7 are concerned, considering the nature of accusation, nature of injuries sustained by the injured and case and counter-case between the parties, the prayer for grant of anticipatory bail to Petitioner Nos. 1, 2, 5, 6 and 7 is allowed.

9. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1, 2, 5, 6 and 7 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Rajepur P.S. Case No. 213 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

10. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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