

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30906 of 2025

Arising Out of PS. Case No.-252 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Subhash Rai S/o- Late Rooplal Rai Village- SApgadha Ps- Chiraiya Dist- East Champaran
2. Amod Rai S/o- Late Bilash Rai Village- SApgadha Ps- Chiraiya Dist- East Champaran
3. Bigu Rai S/o- Late Medhur Rai @ Methur Rai Village- Sapgadha Ps- Chiraiya Dist- East Champaran
4. Shambhu Rai S/o- Late Lakhraj Rai Village- Sapgadha Ps- Chiraiya Dist- East Champaran
5. Lalan Rai S/o- Dinanath Rai Village- Sapgadha Ps- Chiraiya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2025 Heard Mr. Manoj Kumar, learned counsel for the
petitioners and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner apprehends his arrest in connection with Chiraiya P.S. Case No. 252 of 2024 for the offence registered under sections 147, 148, 149, 341, 224, 225, 186, 332, 333, 353, 307 & 414 of the IPC and Section 30(a), 41(1) of Bihar Prohibition & Excise Act lodged on 12.06.2024 by the informant, Santosh Kumar.

3. As per the prosecution story, the informant alleged



that upon information, a motorcycle was intercepted, the accused tried to leave the place, fell down. As he escaped, raised alarm, locals assembled, assaulted the policemen and in the melee, the accused (Lalan Rai- petitioner no. 5) escaped. There is/was recovery of 20 litre country made liquor from the gallon tagged with the motorcycle abandoned by the petitioner no. 5, Lalan Rai. This led to the FIR.

4. Learned counsel for the petitioner submits that so far as petitioner no. 5, Lalan Rai is concerned, he was not arrested from the spot nor anything recovered from his possession but the Police implicated only because of criminal antecedent. So far as the other petitioners are concerned, omnibus allegation of assault is against them. The last submission is that they intend to contribute Rs. 3,000/- each (totaling Rs. 12,000/-) to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer submitting that petitioner no. 5 also has criminal antecedent.

6. Taking into account the submissions of the parties, so far as the petitioner no. 5, Lalan Rai is concerned, it is he who created the entire chaos resulting into the assault on the Policemen, in that background, he does not deserve relief. The anticipatory bail application of petitioner no. 5, Lalan Rai is



rejected.

7. So far as the other petitioners are concerned, omnibus allegation is there, the injury report is not on record, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 3,000/- each (totaling Rs. 12,000/-) to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the learned Trial Court.

8. Let the petitioner nos. 1, 2, 3 and 4 (Subhash Rai, Amod Rai, Bigu Rai and Shambhu Rai) in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 252 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1, 2, 3 and 4 (Subhash Rai, Amod Rai, Bigu Rai and Shambhu Rai), who shall provide official document to show his *bona fide*;

(ii) the petitioner nos. 1, 2, 3 and 4 (Subhash Rai,



Amod Rai, Bigu Rai and Shambhu Rai) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner nos. 1, 2, 3 and 4 (Subhash Rai, Amod Rai, Bigu Rai and Shambhu Rai) shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 1, 2, 3 and 4 (Subhash Rai, Amod Rai, Bigu Rai and Shambhu Rai) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner nos. 1, 2, 3 and 4 (Subhash Rai, Amod Rai, Bigu Rai and Shambhu Rai) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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