

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61720 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- RAMPUR HARI District- Muzaffarpur

1. BIHARI RAI SON OF LATE ROOPDAUN RAI RESIDENT OF VILLAGE - PUNARWARA SHAM, P.S. - RAMPURHARI, DISTRICT - MUZAFFARPUR
2. SHYAM SUNDAR RAI SON OF LATE ROOPDAUN RAI RESIDENT OF VILLAGE - PUNARWARA SHAM, P.S. - RAMPURHARI, DISTRICT - MUZAFFARPUR
3. VINAY RAI @ VINAY KUMAR SON OF SHYAM SUNDAR RAI RESIDENT OF VILLAGE - PUNARWARA SHAM, P.S. - RAMPURHARI, DISTRICT - MUZAFFARPUR
4. VIDYANAND RAI @ VIDYANAND VIDYA SON OF SHYAM SUNDAR RAI RESIDENT OF VILLAGE - PUNARWARA SHAM, P.S. - RAMPURHARI, DISTRICT - MUZAFFARPUR
5. RAJIV RANJAN @ RAJIV RANJAN KUMAR @ RAJU SON OF BIHARI RAI RESIDENT OF VILLAGE - PUNARWARA SHAM, P.S. - RAMPURHARI, DISTRICT - MUZAFFARPUR
6. JAY KUMAR @ KRISHNA KUMAR BHARTI SON OF BIHARI RAI RESIDENT OF VILLAGE - PUNARWARA SHAM, P.S. - RAMPURHARI, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Singh, Sr. Advocate Mr. Neeraj Kumar Alias Sanidh
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 22-01-2025 1. Heard learned Senior counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 354, 504 and 506 of the Indian



Penal Code.

3. Learned Senior counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner nos. 2 to 6 have antecedent of one case.

4. It is next submitted that the informant alleges that on 26.03.2024 at 06:00 PM, the accused petitioners were separating husk from their mustard crop, but the husk covered the tobacco crop of the informant which was objected by his wife, on which the accused persons abused her and started chasing her, on which his wife fled and came home, but the accused followed and entered the house and tried to outrage her modesty, but the informant on coming to know about the occurrence reached home and tried to save her when Vidyanand assaulted her on head by *farsa* causing injury and accused also assaulted Laximiniya Devi, her neighbour, who came to save her, further accused also assaulted the informant by sword causing injury on head and he became unconscious and when he regained consciousness, he found himself in SKMCH when his son informed that Shyam Sundar had assaulted him by *dabia* on his head causing injury.

5. Learned Senior counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that on a trivial dispute relating to husk of the petitioners covering the tobacco crop of the informant, the occurrence is



alleged to have taken place. It is submitted that on account of the said dispute, an altercation had taken place in which both side assaulted each other and from the side of the petitioners also, eight persons were injured including one woman for which Rampurhari P.S. Case No. 72 of 2024 was instituted against the informant and his side. It is further submitted that the instant case is a counterblast to Rampurhari P.S. Case No. 72 of 2024. It is further submitted that no doubt there is specific allegation against Vidyanand of assaulting the wife of the informant by *farsa* causing injury on head, but then the allegation of assaulting Laximiniya Devi and the informant is general and omnibus in nature. It is further submitted that son of the informant subsequently falsely implicated Shyam Sundar who is a senior citizen aged about 69 years.

6. The learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners and submits that there is a specific allegation at least against Vidyanand of assaulting the wife of the informant by sword causing injury on head which is vital part of the body. It is also submitted that no doubt the injury is said to be simple in nature, but then a woman was assaulted and that too by *farsa* by Vidyanand knowing that head is a sensitive part of the body, further the learned counsel appearing on behalf of the informant is



not in a position to rebut the rest of the submissions of the learned Senior counsel appearing on behalf of the petitioners.

7. After considering the submissions made by the learned Senior counsel for the parties, **the Court is not inclined to extend the privilege of anticipatory bail to petitioner no. 4 (Vidyanand Rai @ Vidyanand Vidya).**

8. However, as far as other petitioners are concerned, the petitioner nos. 1, 2, 3, 5 and 6, above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rampurhari P.S. Case No. 73 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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