

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68413 of 2025

Arising Out of PS. Case No.-609 Year-2023 Thana- MADHUBAN District- East Champaran

1. Rambalak Rai S/O- Late Jiyalal Rai R/V- Jitaura, P.S- Madhuban, District- East Champaran
2. Lalbabu Rai @ Lalbabu Ray S/O- Brahmdev Rai R/V-Tajpur, Saraiya, P.S- Rajepur, District- East Champaran
3. Raj Kumar Rai S/O-Awadhesh Rai R/V- Miryashi, P.S- Madhuban, District- East Champaran
4. Rekha Devi W/O-Rambalak Rai R/V- Jitaura, P.S- Madhuban, District-East Champaran
5. Manju Devi W/O- Umed Rai R/V- Jitaura, P.S- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 At the outset, learned counsel appearing for the petitioners seeks permission to withdraw the present application as against petitioner no. 1, Rambalak Rai. He submits that petitioner no. 1 will surrender before the concerned court within one month from today.

2. Permission is granted.

3. Accordingly, the present application stands dismissed as withdrawn as against petitioner no. 1, Rambalak Rai.



4. Heard learned counsel for the petitioner nos. 2 to 5 and learned A.P.P. for the State.

2. Petitioner nos. 2 to 5 are apprehending arrest in connection with Madhuban P.S. Case No. 609 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 324, 354(B), 379, 504, 506, 447 of the Indian Penal Code.

3. As per prosecution case, petitioners and others having weapons in their hands came at the door of the informant and started abusing. On protest, all the accused persons including the petitioners assaulted the informant with lathi, danda, rod and sharp farsa. It is alleged that co-accused Rambalak Rai, with intention to kill, inflicted farsa blow on the head of the informant causing injury to the informant. It is further alleged that when informant's wife came for rescue, all the accused persons including the petitioners assaulted her and tore her clothes. It is further alleged that petitioner no. 2- Lalbabu Rai, with the help of others, snatched gold chain worth Rs. 55,000/- from the neck of informant's wife.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report. There is no specific



allegation against any of the petitioners, rather the specific allegation of assault is against co-accused Rambalak Rai. The allegations levelled against petitioners are general and omnibus in nature. It is further submitted that the allegation regarding snatching gold chain is nothing but ornamental merely to make the offence graver. It is submitted that petitioners and informant are co-villagers and there is land dispute and on account of land dispute petitioners have been falsely implicated in the present case. In cases of land dispute facts are generally exaggerated in order to make the offence graver. Petitioners bear clean antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that there is allegation against petitioners who are said to have assaulted the informant and informant's wife and they cannot escape from the allegations made in the first information report.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, there is no specific allegation against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner nos. 2 to 5, above



named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari/ concerned court in connection with Madhuban P.S. Case No. 609 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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