

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53006 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- AKILPUR District- Saran

1. Sipahi Rai S/o Shri Harvansh Rai @ Haribansh Ray
2. Dinesh Rai S/o Shri Harvansh Rai @ Haribansh Ray
3. Radhe Shyam Rai @ Radha Rai S/o Raghu Rai
4. Ramlakhan Rai @ Lakhan Rai S/o Shivnath Rai
5. Nirekhan Rai S/o Late Shivpujan Rai
6. Surendra Rai @ Rurendra Rao S/o Late Dashrath Rai
7. Booti Rai @ Bhooti Lal @ Bhooti Lal S/o Shri Harvansh Rai @ Harbansh Ray
8. Rakesh Kumar @ Rakesh Rai S/o Raghu Rai
9. Birbal Rai S/o Ramanand Rai
10. Bachchu Rai S/o Shri Harvansh Rai @ Harbansh Ray
11. Manish Kumar @ Vakil Rai S/o Late Ganesh Rai
All R/o vill - Habaspurdera, P.S.- Shahpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-01-2026 Heard Mr.Raj Shekhar, learned counsel for the
petitioners and Mr.Syed Ehteshamuddin, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with G.R.No.10874/2024 corresponding to Akilpur
P.S.Case No.71 of 2024, FIR dated 09.11.2024 registered for the
offences punishable under Sections 191(2), 191(3), 190, 126(2),



115(2), 118(1), 109, 308(5), 308(4), 324(4), &(5), 329(3), 352, 351(2) & (3) of BNS, 2023.

3. The prosecution case, in short, is that the informant has alleged that on 09.11.2024, Vakil Rai and other accused came armed with weapons and demanded Rs.2,00,000/- from Harivansh Rai for ploughing the field and said that only then would they leave the field. You can uproot whatever you want to uproot. Meanwhile, Ramdhani Rai hit him on the head with the back part of the spade, Vrinda Rai attacked his brother Deepak Singh with a stick. All of them beat and injured Golu Kumar. Later, Jitendra Kumar and Manish Kumar wrapped a towel around his neck and started pulling him from both sides.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. From a bare perusal of the FIR it appears that although the petitioners are named in the FIR but the specific allegation of assault is attributed against co-accused persons, namely, Ramdhani Rai @ Ramdhani Kumar, Virda Rai @ Birda Rai, Jitendra Kumar @ Jitendra Rai and Manish Kumar and co-accused persons, namely, Ramdhani Rai @ Ramdhani Kumar,



Virda Rai @ Birda Rai and Jitendra Kumar @ Jitendra Rai have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 07.05.2025 passed in Cr. Misc. No.27735 of 2025 and it appears from the FIR itself that due to admitted land dispute the present occurrence had taken place.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners in the FIR and co-accused persons, against whom the direct allegation, have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Judicial Magistrate-1st Class, Saran, Chapra in connection with G.R.No.10874/2024 corresponding to Akilpur P.S.Case No.71 of 2024, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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