

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari.

Anticipatory Bail Petition No. 1408 of 2026

1. **Krishna Rai, aged about 34 years, S/o- Bhikhari Rai.**
2. **Praduman Rai, aged about 40 years, S/o- Bhikhari Rai.**
3. **Chanchal Rai, aged about 38 years, S/o- Bhikhari Rai.**
4. **Ravindra Rai, aged about 26 years, S/o- Bhikhari Rai.**
5. **Madhurendra Rai, aged about 28 years, S/o- Bhikhari Rai.**
6. **Bhikhari Rai, aged about 62 years, S/o- Shital Rai.**

All R/o village- Semra, P.S. Chiraiya, District- East Champaran.

-----**Petitioners.**

Versus

The State of Bihar.

-----**Opposite party.**

Counsel for the Petitioners :- Sri Yugesh, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

22.04.2026

1. This anticipatory bail petition is filed on behalf of petitioners, namely, (1) Krishna Rai, (2) Praduman Rai, (3) Chanchal Rai (4) Ravindra Rai, (5) Madhurendra Rai and (6) Bhikhari Rai, who are apprehending their arrest in connection with Trial No. 1319/2025 arising out of Chiraiya P.S. Case No. 185 of 2016 u/ss 341, 323, 324 ,308, 379 and 504/34 of Indian Penal Code.

2. **As per para-2 of the anticipatory bail petition, no other anticipatory or regular bail petition has been filed earlier on behalf of the petitioners either in this Court or before the Hon'ble Patna High Court. As per para-3 of the anticipatory bail petition, the petitioner has no criminal antecedent.**

3. As per F.I.R., the informant was engaged in managing the arrangements for his village fair, which was also attended by the women of the village. At the very spot, certain villagers Krishna Rai, Praduman Rai, Chanchal Rai, Ravindra Rai, Madhurendra Rai and Bhikhari Rai were standig alongside their rowdy associates and passing lewd remarks at some of the women present. The informant and his companions asked them to sit down. At this, Krishna Rai become belligerent, began hurling verbal abuse, and personally attacked me with an iron rod. At that moment, Praduman Rai lunged at me with a sword, intending to kill me, and struck me on the head. He swung the sword a second time, striking

his head again, his skull split open, and blood began to gush out. The informant collapsed to the ground, writhing in pain, while the others continued to beat him with sticks and rods until he was left half-dead. When his uncle and brother rushed to his aid, they too were brutally assaulted and severely injured by the accused persons. They snatched a gold chain worth Rs. 60,000/- from his neck and stole Rs. 5,500/- from his pocket. Still writhing on the ground, he eventually lost consciousness right there.

4. The learned counsel for the petitioners has submitted that the petitioners are quite innocent and they have committed no offence. After investigation police submitted charge-sheet and accordingly, learned court below has taken cognizance against the petitioners. This is first appearance after cognizance. Before cognizance this case was in bailable sections and the petitioners were on court bail.

5. The learned Public Prosecutor appearing on behalf of the State opposed the anticipatory bail.

6. Heard both sides and perused the record. From perusal of the record, it transpires that the petitioners were granted bail on surrender by the learned Court below vide order dated 02.12.2020. Record also shows that the cognizance u/s 341, 323, 325 and 307/34 of Indian Penal Code has been taken against the petitioners by the learned court below vide order dated 07.07.2025. However, instead of surrendering before the learned Trial Court and seeking regular bail, the petitioners have filed this anticipatory bail application, which is not maintainable in the light of direction of Hon'ble Supreme Court of India in the case of **Pradeep Ram vs. State of Jharkhand & Anr. (2019) 17 SCC 326**.

7. In view of the above, the present anticipatory bail petition is hereby **dismissed as not maintainable** with the direction to the accused/petitioners to surrender before the learned court below and seek regular bail, thereupon the learned Trial Court shall consider that bail application in light of directions in the case of Pradeep Ram (*supra*) and also keeping in mind that the petitioners have not misused the liberty.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
22.04.2026