

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8049 of 2016**

Arising Out of PS.Case No. -193 Year- 2015 Thana -MOHIUDDIN NAGAR District-  
SAMASTIPUR

- =====
1. Ram Dayal Ray @ Rame Dayal Ray son of Ramashraya Roy
  2. Dilip Roy @ Ghappu son of Rabindra Ray
  3. Chandrama Devi wife of Rabindra Ray
  4. Rabindra Ray son of Ram Chandra Ray
  5. Tej Kumar @ Tejo Roy
  6. Bandhu Ray Both sons of Devendra Ray
  7. Harendra Ray @ Dev Nandan Ray son of Ram Dayal Ray All residents  
of Village - Ramgama, P.S. - Mohiuddin Nagar, District - Samastipur.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dharmendra Jha, Advocate  
For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      24-02-2016      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends her arrest in connection  
with Mohiuddin Nagar P.S. Case No. 193 of 2015 registered for  
the offences punishable under Sections 341, 323, 324, 307, 379,  
504 and 506/34 of the Indian Penal Code.

The prosecution case lodged by one Shambhu Ray on  
18.10.2015 who has filed a written petition before the SHO,  
Mohiuddin Nagar Police Station stating therein that on the same  
day at 5 P.M. he has gone to see his crop in his field then he saw



that Ram Dayal Ray and Ram Murti Ray were digging his field by JCB he along with his brother Ram Dhayani Ray and others objected. Thereafter Chandrama Devi ordered to kill, thereupon Dilip Ray assaulted him by butt of gun. Dhyani Ray was injured on his head, Kishan Kumar assaulted Raju Ray by farsa on his head, Rabindra Ray assaulted Shambhu Ray by lathi, others also assaulted. Harendra Ray took away golden chain Hanumani from Shambhu Ray.

It has been submitted by learned counsel for the petitioners that there is admittedly a land dispute between the parties as is evident from the perusal of First Information Report itself. It has further been submitted that the petitioners are innocent and have committed no offence and having no criminal antecedent as is evident from para-3 of this petition. Furthermore, the Counsel for the petitioners submits that the present case is a counterblast to Mohiuddin Nagar P.S. Case No. 197 of 2015 in which one of the persons from petitioner's side Ram Murti Ray sustained grievous injury resultantly he died and a case under Section 302 also is pending against the informant's side.

However, learned A.P.P. for the State opposes the prayer for bail and submits that the petitioners are named in the First Information Report.

Be that as it may since there is a case and counter case and the allegations upon the informant are serious in nature, let the petitioners, above named, in the event of their arrest or surrender within a period of eight weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 193 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Nilu Agrawal, J)**

Vats/-

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