

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18371 of 2017

Arising Out of PS.Case No. -264 Year- 2016 Thana -SARAI RANJAN District- SAMASTIPUR

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1. Teni Rai, Son of Late Jamun Ray.
 2. Manit Ray, son of Indra Ray,
 3. Santosh Ray @ Santosh Kumar, Son of Late Madan Ray.
 4. Domni Ray @ Domi Rai, son of Late Jamun Ray,
 5. Dhananjay Kumar @ Anjay Kumar, son of Domni Rai @ Domi Ray.
 6. Madan Ray, son of Rudar Ray.
 7. Akhilesh Roy @ Aklesh Roy @ Akhlesh Roy, Son of Madan Ray.
 8. Karu Ray, Son of Teni Ray.
 9. Manjay Ray, Son of Domni Ray @ Domi Ray,
 10. Ramadhar Ray, son of Rudar Ray
 11. Tunia Devi, Wife of Teni Rai.
 12. Indu Devi, Wife of Madan Rai.
 13. Rekha Devi, Wife of Ramadhar Rai.
 14. Munni Devi, D/o Domni Rai @ Domi Rai.
 15. Nitu Kumari, D/o Ramadhar Rai.
 16. Manita Devi @ Ganita Devi, D/o Mani Rai, All residents of village-
Lagma, P.S.- Ghataho O.P (Sarairanjan), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-05-2017 At the very outset, it has been submitted by learned

counsel for the petitioner that since petitioner nos. 4 and 6 have

already been taken into custody, as such, he does not wish to press

the application for bail as against petitioner Nos. 4 and 6.

So far other petitioners are concerned, they are

apprehending their arrest in connection with Sarai Ranjan

(Ghatho) P.S. Case No. 264 of 2016, registered for offences



punishable under Sections 341, 323, 324, 307, 379, 435 and 504/34 Indian Penal Code.

Allegation against the petitioners is of assault to the informant and others.

It has been submitted on behalf of the petitioners that the dispute arose between the parties with regard to right over the *Gair Majarua Aam* land and subsequently a scuffle took place between the parties, in which both the parties have sustained injuries. It has further been submitted that whole family has been made accused in this case and there is case and counter case.

Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail. Learned counsel for the informant has submitted that due to assault by petitioner no. 1 and 2, one of the persons, namely, Ram Bahadur Rai from the side of the informant has received grievous injury. However, for other person, who received grievous injury, learned counsel for the informant could not point out any specific name.

Having heard both sides, in view of the fact that due to assault by petitioner nos. 1 and 2, one person, namely, Ram Bahadur Rai, sustained grievous injury, as such, I am not inclined to grant anticipatory bail to petitioner nos. 1 and 2, let petitioner nos. 1 and 2 surrender before the court below and make prayer for



regular bail, which will be considered by the court below on the merit of the case without being prejudiced by the order of this Court.

So far other petitioners i.e. petitioner nos. 3, 5 and 7 to 16 are concerned, considering the fact that only general and omnibus allegations have been levelled against them, as such, let the petitioner nos. 3, 5 and 7 to 16, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Samastipur, in connection with Sarai Ranjan (Ghatho) P.S. Case No. 264 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear



before the police on two consecutive dates
without showing any genuine reasons, the
prosecution will be free to move for
cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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