

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26999 of 2018

Arising Out of PS. Case No.-531 Year-2017 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

-
1. Ramashish Ray @ Ramashish Rai, Son of Late Aniklal Ray Resident of Village Hakimabad, P.S.- Muffasil, District Samastipur.
 2. Chandan Kumar, S/o- Ramashish Ray @ Ramashish Rai Resident of Village Hakimabad, P.S. Muffasil, District Samastipur.
 3. Vikash Kumar, S/o- Devendra Ray Resident of Village Hakimabad, P.S. Muffasil, District Samastipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 448, 307, 379, 504 and 506 of the IPC.

The prosecution case, as per the written report of Mukesh Kumar Ray, dated 06.09.2017 submitted to the Station House Officer, Samastipur (M) Police Station is to the effect that on 05.09.2017 at 10 PM, the informant was sleeping at his door, in the meantime, 8 accused persons including the petitioner, came armed with lathi, danda and iron rod, when petitioner no.1, Ramashish Ray ordered to kill the informant and his mother,



whereupon, the accused persons assaulted the informant. Petitioner no.1, Ramashish Ray assaulted with iron rod on the back and chest of the informant, whereas co-accused Pawan Kumar tried to throttle the informant and when the brother and mother of the informant came to rescue him, then the accused persons assaulted them also. Petitioner no.2, Chandan Kumar snatched gold chain from the mother of the informant and also took away Hero bicycle. Petitioner no.3, Vikash Kumar snatched Rs. 3,000/- from the pocket of the informant and when the co-villagers reached on the spot the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and in the background of land dispute, the accusation has been levelled. The injury has been found superficial simple in nature. There is a counter version of the occurrence also being Samastipur (M) P.S. Case No. 544 of 2017, registered for the offences, under Sections 147, 149, 232, 341, 354B, 379, 427, 504 and 506 IPC.

It is further submitted that for the occurrence of 05.09.2017, the FIR was registered on 06.09.2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP submits that there is specific accusation against the petitioners.

Considering the accusation being levelled in the background of land dispute, statement made in paragraph no.3 of the petition that the petitioners are not having criminal antecedent and the injury being found simple in nature, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Mufassil P.S. Case No. 531 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

