

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17377 of 2020**

Arising Out of PS. Case No.-368 Year-2019 Thana- BIHIA District- Bhojpur

1. NAGRAJ RAM Son of Nand Kumar Ram Resident of Village - Bharasara, P.S.- Bihiya, Dist.- Bhojpur.
2. Bablu Ram Son of Nand Kumar Ram Resident of Village - Bharasara, P.S.- Bihiya, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 29-09-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State in absence of Mr. Ahmad Ali, APP.

Petitioners in the present case are seeking pre-arrest bail in connection with Bihiya P.S. Case No.368/2019 registered for the offence under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the parties are closely related to each other. These petitioners are nephew of the informant. The allegation against them is that they came armed with lathi and danda and assaulted the informant and his wife. Learned counsel submits that since both



the parties are closely related they had quarreled on some petty issues, there was no motive behind the alleged occurrence and it is all because of a land dispute.

In this case, case diary has been received.

Learned APP for the State has submitted that from the injury report of the informant, his wife and daughter it would appear that all of them have been assaulted on the vital part of the body and each of them have got injuries on their scalp. It is, thus, submitted that considering the repeated assault given to three members of the family of the informant including the informant, the petitioners do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case and the materials pointed out by learned APP for the State, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. Their prayer is, thus, refused.

In case the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

Learned counsel for the petitioners has submitted that in fact the parties are looking to amicably resolve their disputes



and there is every possibility that they will resolve the matter sitting together.

In case if so happens that the parties resolve their disputes amicably and the informant is willing to support the petitioners for purpose of grant of regular bail, he may appear before the learned court below at the time of surrender of the petitioners. In such circumstance, their prayer for regular bail shall be considered on the same day.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

