

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17849 of 2020**

Arising Out of PS. Case No.-51 Year-2018 Thana- SARAI RANJAN District- Samastipur

1. CHANDRA SHEKHAR RAI Son of Sri Ishri Rai @ Ishwari Rai Resident of Village - Lagma, P.S.- Sarai Ranjan (Ghatho O.P.), District - Samastipur
2. Rakesh Rai Son of Sri Ishri Rai @ Ishwari Rai Resident of Village - Lagma, P.S.- Sarai Ranjan (Ghatho O.P.), District - Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

This is an application for grant of regular bail to the petitioner in connection with Sarai Ranjan (Ghatho O.P.) P.S. Case No. 51 of 2018 registered for the offence punishable under Sections 147, 149, 307, 323, 324, 341, 379, 427, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners as well as the informant's side are co-villagers and as it appears that both the parties had a quarrel on 23.04.2018 and



with regard to the alleged occurrence two FIRs have been lodged. The petitioners' side has also lodged Sarai Ranjan P.S. Case No. 55 of 2018 for the offences alleged under the various provisions of the penal code including the one under section 307 IPC. Both the sides have alleged against each other that they were assaulted by farsa and other weapons. The injury report as contained at Annexure '4' shows that the informant of this case suffered two injuries, the one on the parietal occipital region and another on right forearm and the doctor has opined that the injuries have been caused by hard and blunt substance. The petitioners' side have also suffered injuries and the injury reports of Sanjay Rai, Nitish Rai, Mahesh Rai, Amresh Rai and Ram Bahadur Rai have been brought on record as Annexure '2' series to show that they have also suffered injuries in the alleged occurrence on the vital part of the body.

It is submitted that these petitioners are in custody since 05.2.2020, investigation against them is complete and the dispute being that of between two co-villagers the petitioners may be released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case



particularly that there is case and counter case between the parties of the alleged occurrence and the injury report as contained in Annexure '4' shows that the two injuries suffered by the informant have been attributed to hard blunt object but the allegation against these petitioners are that they had assaulted the informant by farsa and sword which are not getting corroborated from the injury report (Annexure '4') and further that there are several injury reports as contained in Annexure '2' series showing that the petitioners side have also been assaulted and they have suffered injuries, the nature of dispute and the circumstances under which the co-villagers have indulged in free fight among themselves, let the petitioners above named be released on bail in connection with Sarai Ranjan (Ghatho O.P.) P.S. Case No. 51 of 2018, G.R.No. 870 of 2018 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned A.C.J.M. VI, Samastipur, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(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'.

