

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69724 of 2019

Arising Out of PS. Case No.-275 Year-2019 Thana- LALGANJ District- Vaishali

1. Amod Rai @ Amod Kumar, Male, aged about 50 years.
2. Santosh Rai, Male, aged about 35 years.
3. Manoj Rai, Male, aged about 55 years.
4. Pramod Rai, Male, aged about 40 years.
All Sons of Ram Babu Rai.
5. Laloo Rai @ Laloo Kumar, Male, aged about 25 years, Son of Tribhuwan Rai,
6. Tribhuwan Rai, Male, aged about 71 years, Son of Chaturi Rai.
All Resident of Village- Agarpur, Ward No. 9, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baleshwar Kamat, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 16-03-2020

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

2. The petitioners apprehend arrest in connection with
Lalganj PS Case No. 275 of 2019 dated 06.08.2019 instituted
under Sections 341, 323, 324, 307, 354B, 504, 379 and 506/34 of
the Indian Penal Code.



3. The allegation against the petitioners is of assault on the informant and her son.

4. Learned counsel for the petitioners submitted that it was a family dispute as the informant is the daughter-in-law of the brother of petitioner no. 6 and the petitioners no. 1 to 4 are sons of another brother whereas petitioner no. 5 is the son of petitioner no. 6. It was submitted that all the parties live in the same ancestral house, though in different demarcated quarters after partition and due to some land related dispute, the incident took place which was a simple skirmish in which both sides have sustained minor injuries. It was submitted that the informant and her husband, who is the son of the brother of the petitioner no. 6, had sold land which was not allotted in their share due to which some of the petitioners have filed title suit for cancellation of the said sale deed. Learned counsel submitted that the injury on the side of the petitioners is more grievous than have been found on the informant and her son in the present case. It was submitted that the petitioners no. 3 and 6 have no other criminal antecedent. It was submitted that though the allegation against petitioner no. 6 is of inflicting blow by *Farsa* on the arm but only lacerated wound has been found on the right elbow and left hand above wrist and



the doctor has opined that the same has been caused by hard blunt substance and are simple in nature.

5. Learned APP submitted that the parties have indulged in skirmish and injuries have been inflicted by them. It was further submitted that the petitioner no. 5 has two other cases against him, including under Sections 498A, 307 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act as also under serious sections of the Indian Penal Code and the Bihar Excise Act whereas the petitioners no. 1, 2 and 4 are involved in a case under Sections 379, 324 and 325 of the Indian Penal Code.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 3 and 6 namely, Manoj Rai and Tribhuwan Rai, be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur in Lalganj PS Case No. 275 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioners no. 3 and 6. The petitioners and the bailors shall execute bond with regard to good behaviour of the



petitioners no. 3 and 6. The petitioners no. 3 and 6 shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

7. With regard to petitioners no. 1, 2, 4 and 5, the Court is not inclined to grant them anticipatory bail.

8. Accordingly, their prayer stands rejected.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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