

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82215 of 2019

Arising Out of PS. Case No.-186 Year-2019 Thana- SONBERSA District- Sitamarhi

1. RAM JANAM RAI, aged about 34 years, Male, Son of Late Nevi Rai, R/o Village - Sangrampur, P.S.- Sonbarsa, District - Sitamarhi
2. Sita Ram Rai, aged about 36 years, Male, Son of Late Nevi Rai, R/o Village - Sangrampur, P.S.- Sonbarsa, District – Sitamarhi ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Shankar Kumar, Adv.

For the Opposite Party : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 26-06-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state through video conferencing.

The petitioners seek pre-arrest bail in connection with Sonbarsa P.S. Case No. 186 of 2019, registered under Sections 341, 323, 324, 379, 354, 504, 506 and 307/34 of the Indian Penal Code.

The accusation is that at about 08.00 a.m. on 11.08.2019, six persons, named in the first information report, including the petitioners, came one-by-one at the land of informant, Ravindra Rai, thereafter, petitioner no. 1, Ram Janam Rai, started to fix peg, when informant, Ravindra Rai, made protest, then, Ram Janam Rai (petitioner no. 1), ordered to his both sons to make assault and he also gave dabia blow, which



hit at the finger of the informant, then, he fell down, thereafter, both sons of Ram Janam Rai also assaulted him. On raising alarm, his younger brother came, then, he was also assaulted by Pheku Rai and Santosh Rai. When Chhatra Rai, father of the informant, came, then, Pappu, Mintu and Sita Ram Rai also caused injury. Sita Ram Rai (petitioner no. 2), at that time, gave dardia blow at the head of Chhatra Rai, father of the informant.

Submission is that due to land dispute occurrence of marpeet took place, in which both sides sustained injury and Sonbarsa P.S. Case No. 179 of 2019 was also instituted on the basis of fardbeyan of Ram Janam Rai under Sections 341, 323, 324, 354, 379, 504 and 506/34 of the Indian Penal Code against the informant of the present case and others. Further, submission is that while specific allegation against petitioner no. 1 is to cause injury to informant, Ravindra Rai, but injury as found, on the person of the informant, is simple in nature. Whereas, out of four injuries, as found on the head of Chhatra Rai, the father of the informant, is grievous in nature, which is said to be caused by Sita Ram Rai.

Having regard to the facts and circumstances of the case, let the petitioner no. 1, Ram Janam Rai, in the event of surrender/arrest, within a period of six weeks from today, in



connection with Sonbarsa P.S. Case No. 186 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

However, taking into consideration of head injury of Chhatra Rai, father of informant, which is said to be caused by petitioner no. 2, Sita Ram Rai, his prayer for pre-arrest bail is rejected. He is directed to surrender before the trial Court within six weeks and seek regular bail, which shall be considered by trial Court on its own merit without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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