

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85072 of 2019

Arising Out of PS. Case No.-407 Year-2019 Thana- PARBATTa District- Khagaria

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1. RAJESH RAY @ RAJESH KUMAR RAY
 2. Bikash Ray @ Bikesh Ray, Both are sons of Ramcharitra Ray
 3. Rupesh Ray Son of Krishnanand Ray
- All are resident of Village - Dumria, Buzurg, P.S.- Parbatta, Distt.- Khagaria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar Singh, Adv.
For the Informant	:	Mr. Anil Kumar Choudhary, Adv.
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 19-08-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Parbatta P.S. Case No.407 of 2019 registered under Sections 341, 323, 379, 354, 307, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that on 09.10.2019, Rajesh Ray @ Rajesh Kumar Ray(petitioner No.1), Bikash Ray @ Bikesh Ray(petitioner No.2) and Rupesh Ray(petitioner No.3) having armed with different weapons came to the darwaza of the informant. Rajesh Ray(petitioner No.1) assaulted Sujit Kumar Rai, the son of the informant with butt of gun. Other two accused persons(petitioner No.2 and 3) are alleged to have assaulted Ajit Kumar and Nisha Devi. All the three persons got serious injury. It is alleged that accused persons also took away chain made of gold and Rs.5,100/- from the inner garments of the wife of the informant.

The learned counsel for the petitioner submits that informant and petitioners are next door neighbours. Admittedly,



there is a land dispute between two sides. Prior to institution of the present case on the fardbeyan of Bobby Devi, wife of petitioner No.2, Parbatta P.S. Case No.406 of 2019 was registered against Ajit Rai, Sujit Rai and Arun Rai. It is further submitted that there is no repetition of blows and, therefore, no offence under Section 307 of the Indian Penal Code is made out. Petitioner No.1 is alleged to have armed with gun but petitioner No.1 is alleged to have assaulted Sujit Kumar Rai with gun. Had there been any intention to kill the son of the informant, the petitioners would have fired. It is further submitted that allegation of theft and outraging the modesty are ornamental. On account of land dispute, both sides entered into scuffle and that is why there is a case and counter case.

Learned A.P.P. and Mr. Anil Kumar Choudhary, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submit that of course the petitioners are alleged to have given single blow but all the three petitioners gave blows on different parts of the body of Sujit Kumar Rai, Ajit Rai and Nisha Devi causing grievous injury on their vital parts. Sujit Kumar Rai got injury on head and parietal bone of Sujit Kumar Rai is found to be fractured. Similarly, Ajit Rai also got head injury which is opined to be grievous in nature. Nisha Devi also got bone injury and on account of fracture, the injury is opined to be grievous in nature.

Having heard both sides and on perusal of the record, it appears that of course there is a case and counter case and the occurrence appears to have taken place on account of land dispute. The petitioners are neighbours of the informant but it appears from perusal of the injury report that the petitioners are alleged to have assaulted Sujit Kumar Rai, Ajit Rai and Nisha



Devi respectively and all the three injured got grievous injury on their vital parts of body on account of fracture of bone.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, learned court below shall consider the prayer for regular bail of the petitioners and dispose of the bail petition of the petitioners preferably, if possible, on the same day.

(Prabhat Kumar Jha, J)

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