

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25952 of 2020

Arising Out of PS. Case No.-121 Year-2019 Thana- PUSA District- Samastipur

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1. Suresh Rai, Son of Late Sudama Rai
 2. Manoj Rai, Son of Late Sudama Rai
 3. Dipak Rai @ Dipak Kumar, Son of Suresh Rai
 4. Dipesh Kumar, Son of Suresh Rai
- All are Resident of Village- Mahmadpur, Devpar, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-02-2021 Heard learned counsel for the petitioners and Mr. Surendra Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Pusa P.S. Case No.121 of 2019 registered for the offences punishable under Sections 308, 323, 341, 379, 447 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to ulterior motive. Learned counsel submits that both the parties are own Gotiyas and the dispute has arisen on account of a previous land dispute. It is submitted that there is



no specific allegation of assault against these petitioners. It is also submitted that the petitioners have no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case wherein both the parties are said to be Gotiyas and the dispute has arisen on account of a previous land dispute, so far as the allegation against petitioner no.1 is concerned, it is alleged that he had assaulted the informant by a rod on her cheek, the said injury has been found and X-ray of face and dental opinion was advised, there were specific allegations against petitioner no.1 of causing injury, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.1. His prayer is, thus, refused.

In case the petitioner no.1 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court and while considering the prayer for bail of the petitioner no.1 the learned court below shall consider all the submissions made on behalf of the petitioner no.1 including that there is a land dispute and the parties are own gotiyas.



The observation with regard to surrender in the court below within a period of four weeks from today shall not be construed as granting any interim protection to the petitioner no.1 for the aforesaid period.

So far as petitioner nos.2 and 3 are concerned, there are allegations that they had assaulted on the head of the son of the informant but the injury report is showing only one simple injury on the head of the son of the informant, there being accusation against two persons of causing assault in similar manner on the same place of the body but the injury report is not substantiating the said allegation, considering the submissions that the informant has indulged in over implication of the accused and there being no allegation against petitioner no.4 of causing assault, let the petitioner nos.2, 3 and 4 above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Pusa P.S. Case No.121 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2, 3 and 4 and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

