

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5115 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- KHIJARSARAI District- Gaya

1. RAJESHWAR DAS @ RAJESHWAR MOCHI Son of Late Bechan Das Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.
2. Nagendra Das Son of Rajeshwar Das @ Rajeshwar Mochi Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.
3. Satyendra Das Son of Rajeshwar Das @ Rajeshwar Mochi Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.
4. Makendra Das @ Mahendra Das Son of Rajeshwar Das @ Rajeshwar Mochi Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.
5. Nanka Das Son of Rajeshwar Das @ Rajeshwar Mochi Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.
6. Raj Nandan Das Son of Raj Nandan Das Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.
7. Mantu Das @ Mantu Kumar Son of Raj Nandan Das Resident of Village - Khaira, P.S. - Khizarsarai, Distt. - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-09-2021 Heard Mr. Kamal Kumar Sinha, learned Advocate for the petitioner and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Khizarsarai P.S. Case No. 149 of 2020 dated 22.05.2020 instituted for the offences under Sections 341, 323, 379, 308, 448, 504 and 34 of the Indian Penal Code.



The accusation against the petitioners is of having assaulted the informant, his father and other members of his family. The father of the informant has received one grievous injury.

Learned counsel for the petitioners has submitted that this case has been lodged in retaliation to the case lodged *vide* Khizarsarai P.S. Case No. 150 of 2020 against the informant and others.

It has further been argued that for an occurrence which took place on 16.05.2020, the subject FIR has been lodged on 22.05.2020 without there being any explanation. Seven persons are said to have assaulted all the members of the family of the informant but the father of the informant has received only one injury which on analysis has been found to be grievous.

Mr. Sinha, learned counsel for the petitioners submits that the petitioners and the informant are neighbours and co-villagers as well. In fact, the whole cause of occurrence between the two families was because of the son and daughter-in-law of the petitioner no. 1 having come from Bombay during corona times. This was objected by the informant and it appears that there was some retaliation because of such objection by the informant. Both sides have fought against each other.



Regard being had to the background facts and the general nature of accusation against the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IVth, Gaya in connection with Khizarsarai P.S. Case No. 149 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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