

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16628 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- KHAGARIA District- Khagaria

1. INDU ROY @ SHAMBHU ROY Son of Ashok Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
2. Ashok Ray Son of Kali Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
3. Bablu Ray Son of Ramaudit Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
4. Dhiraj Ray Son of Umakant Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
5. Sunil Ray Son of Ramkrishna Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
6. Chandan Ray Son of Sahjanand Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
7. Suman Kumar @ Raja @ Suman Ray Son of Sunil Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
8. Mohan Ray Son of Ashok Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria
9. Dilkhush Kumar @ Didkhush Kumar Ray Son of Arbind Ray Resident of village - Rahimpur, P.S.- Muffasil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioner nos. 2 to 9 apprehend their arrest in a
case registered for the offences punishable under Sections 147,
148, 149, 341, 323, 307, 325, 429, 379, 504, 506 and 337 of the



Indian Penal Code.

The informant alleges that on 23.06.2021 at about 6:30 am while he was milking his cow, the accused persons along with 25-30 unknown came variously armed and assaulted him, it is next alleged that Pankaj Rai assaulted the informant with butt of his rifle causing injury on his head, Anurag Rai shot the cow of the informant due to which the cow died thereafter Ram Pravesh Rai, Ashok Rai, Bablu Rai, Sunil Rai Umakant Rai, Suman Rai, Dheeraj Rai, Dilkhush Kumar and Indu Rai and Mohan Rai demolished the roof of his house by pelting stones and snatched gold chain from neck of the informant's son.

Learned counsel for the petitioners submits that the petitioner nos. 4, 5, 6, 7 and 9 are persons with clean antecedent and rest of the petitioners have antecedent as recorded at paragraph '3' of the anticipatory bail application, it is next submitted that from perusal of the allegations as alleged in the F.I.R. it would manifest that as far as allegation of assaulting and killing the cow is concerned, the informant has specifically taken name of the accused who has committed the occurrence but as far as these petitioners are concerned, there is no specific overt act against them of assault though it is alleged that all the



accused persons demolished the house of the informant by pelting stones which is nothing but a figment of imagination of the informant. Learned counsel further submits that there is a land dispute between the parties on account of which the present false case came to be instituted against the petitioners.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2 to 9, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khagaria (Muffasil) P.S. Case No. 489 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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