

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39078 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- MAKER District- Saran

1. Ramchandra Rai, S/o Late Mishri Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra
2. Mauji Rai, S/o Late Mishra Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra
3. Nisha Kumari, D/o Ramchandra Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra
4. Ruby Devi @ Rubi Kumari, D/o Ramchandra Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra
5. Lalmati Devi, W/o Ramchandra Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra
6. Sigariya Devi, W/o Mouji Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra
7. Kusum Devi, W/o Jitendra Rai, R/o village- Jagdishpur, P.S.- Maker, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners are apprehending their arrest in connection with Maker P.S. Case No.126 of 2020 registered for the offence punishable under Sections 143, 147, 341, 323, 324, 325, 307, 379 and 509 of the Indian Penal Code.

It is alleged, as per prosecution case, that due to



some subsisting land dispute, the petitioners along with some other co-accused persons, all of whom are agnates of the prosecution party, have hurled abuses and assaulted the informant. When Raju Rai, Sunaina Devi, Laxman Rai, Manti Devi, Seema Devi and Bhushan Rai came to the rescue of the informant, they too have been assaulted.

Petitioners' counsel submits, referring to the injury report of the persons, whom the petitioners have allegedly assaulted, that the nature of injuries sustained by these persons is simple in nature and is not life threatening. It is further submitted that there is a case and counter case. The instant accused parties have lodged Maker P.S. Case No.127 of 2020 against the instant prosecution party in relation to the same occurrence. From the prosecution case, it is obvious that whatever occurrence has taken place, was at the spur of the moment, based on land dispute and there was no intention of causing loss of life. The petitioners are all stated to be members of common family and having clean antecedents.

Learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, the fact that the allegation itself reveals that the occurrence has taken place at



the spur of the moment due to subsisting land dispute giving rise to a case and counter case from which allegation of assault by both sides emerges as also the fact that simple injuries have been found, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let all the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Sushant Sagar, learned Judicial Magistrate, Ist Class, Saran at Chapra, in connection with Maker P.S. Case No.126 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail



to do so on two consecutive dates, their
bail bonds will be liable to be cancelled.

This Court would expect that the petitioners’ counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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