

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42698 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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LAXHMAN RAY Son of Late Gyanchand Rai Resident of village - Bejha
Dih, Ward No.2, P.S.- Samastipur Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

Mr. Shailendra Kumar, learned APP for the State, assisted by

learned counsel for the informant.

The petitioner apprehends his arrest for the

offences alleged under Sections 341, 323, 307, 302, 504 and

120B of the Indian Penal Code, registered in connection with

Samastipur Muffasil P.S.Case No. 49 of 2021.

As per the allegation, previous land dispute was

going on between the parties. Four accused persons named in

the FIR including the petitioner called the informant's father to



settle the land dispute. When he went, the accused persons started assaulting his father. When the brother of the informant went to the house of the petitioner to rescue his father, the accused persons started assaulting him with *lathi*, *danda* and *khanti* etc. Co-accused Ravi Ranjan Kumar inflicted rod and *khanti* blow on the head of Ranjay Kumar, brother of the informant. Thereafter, co-accused Pawan Kumar and two unknown persons assaulted the informant with fists and slaps. Ranjay Kumar died during the course of treatment.

The learned counsel for the petitioner has submitted that there is specific allegation on the petitioner to inflict assault on the person of the deceased. He has submitted further that co-accused Pawan Ray @ Pawan Kumar Ray has been granted anticipatory bail by a coordinate Bench of this Court in Cr.Misc. No. 42530 of 2021. He has also submitted that the petitioner is 72 years old having no criminal antecedents.

Per contra, the learned counsel for the informant has submitted that the case of Pawan Ray @ Pawan Kumar Ray who has been granted anticipatory bail by a coordinate Bench of this Court, cannot be equated with the present petitioner, since he was amongst the four persons who assaulted the deceased. He has submitted further that the petitioner was amongst the



accused persons who called the father of the informant on the pretext of settling the land dispute already going on between the parties.

Considering the above facts and circumstances, the petitioner does not deserve the privilege of anticipatory bail. His prayer for anticipatory bail is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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