

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53283 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- PATORI District- Samastipur

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1. DEO PRASAD RAY @ DEV PRASAD RAI @ DEVENDRA RAY SON OF KARU RAI
 2. ARBIND RAI @ ARVIND RAY SON OF KARU RAI
 3. RANJAY KUMAR SON OF DEO PRASAD RAY @ DEV PRASAD RAI @ DEVENDRA RAY
 4. SUMAN KUMAR SON OF DEO PRASAD RAY @ DEV PRASAD RAI @ DEVENDRA RAY

All are RESIDENT OF VILLAGE UTTARI DHAMAUN, P.S - SHAHPUR PATORI, DIST. - SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 323, 324, 325/34, 341, 379, 447, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is senior citizen, aged about 68 years and the informant alleges that on 23.04.2020 at 06:00 p.m. while he was sitting along with his minor son and wife then petitioner no. 1, 2, 3 and 4 came



variously armed and petitioner no. 1 gave order to kill them. It is next alleged that petitioner no. 4 assaulted the son of the informant with lathi on his head causing injury and petitioner no. 3 assaulted the wife of the informant with Sasua (sickle) on her head causing injury. Further, petitioner no. 3 assaulted the wife of the informant on her neck with Sasua and snatched gold chain of the wife of the informant worth Rs.50,000/-.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the allegation of assault is general and omnibus in nature. Further, from the allegation as alleged in the FIR, it would manifest that the blow was not repeated. It is next submitted that the injuries on the injured are simple in nature and the occurrence took place on account of land dispute. It is next submitted that even from the side of the petitioners Shahpur Patori P.S. Case No. 130 of 2020 was instituted. Learned counsel next submits that all the petitioners are persons with clean antecedent and on account of land dispute, the present occurrence took place on a trivial issue as detailed in the FIR.

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 and the fact that the injuries sustained by the injured are simple in nature, the petitioners above-named, 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 Shahpur Patori P.S. Case No. 127 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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