

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47277 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- RAJNAGAR District- Madhubani

1. LALLAN RAI Son of Gangai Rai Resident of Village - Shipatti Rahitola, P.S. Rajnagar, District - Madhubani.
2. Madan Rai Son of Kapileshwar Rai Resident of Village - Shipatti Rahitola, P.S. Rajnagar, District - Madhubani.
3. Gangai Rai Son of Budhan Raut Resident of Village - Shipatti Rahitola, P.S. Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravi Prakash, Advocate
For the Opposite Party/s :	Ms. Kusum Rani
	Mr. Ratnakar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-10-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2

Permission is accorded.

The petitioner nos. 1 and 3 apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 447, 380, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent and the informant alleges that on 14.05.2022 at 10:30 pm, Lalan Rai, Madan Rai and Gagan Rai came variously armed and started abusing and when the same was objected, it is alleged that Lalan Rai and Madan Rai assaulted the informant on forehead causing injury. It is further alleged that when the son of the informant came to rescue him, he was assaulted by *farsa* causing injury on his head and arms and when the wife and daughter of the informant came to rescue, then they were also assaulted by fist, slaps and *danda* further the accused persons also snatched *mangalsutra* of the informant's wife and a box containing Rs. 50,000/- cash.

Learned counsel for the petitioners submits that on account of land dispute, the informant has falsely implicated the petitioners as petitioners and the informant are agnates, it is next submitted that no doubt allegation is of causing injury on head by *farsa* but then the injury is simple in nature, it is also submitted that wife of Madan Rai has filed a Complaint Case No. 412 of 2020 against the side of the informant. Learned counsel submits that no doubt one of the injuries suffered is on the vital part of the body but then the same is simple in nature as would be evident from Annexure-2 to the anticipatory bail application which amply demonstrates that the occurrence was



committed at the spur of the moment on account of dispute relating to land and there was no intention to commit any serious offence.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioner that the injury suffered are simple in nature and the petitioners are not criminals.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1 and 3, 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 Rajnagar P.S. Case No. 124 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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