

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61790 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- BAHERA District- Darbhanga

1. Raushan Ray @ Raushan Kumar Ray Son Of Kailsah Ray Resident Of Village- Devkapur, P.S.- Bahera, District- Darbhanga.
2. Chandra Ray @ Gautam Ray Son Of Thakko Ray Resident Of Village- Simra, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava
For the Informant	:	Mr. Majid Mahbood Khan
		Mr. Arun Kumar Bhagat

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 379, 307, 147, 148 and 149 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 22.07.2021, they are persons with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioners further submits that the informant alleges that 30-40 accused were assaulting his brother and when informant went to save him, Shyam Babu Rai



with farsa assaulted on head of the informant causing injury, Ram Babu Rai and Raushan Kumar Rai (petitioner no.1) assaulted the informant with iron khanti and rod hitting him on his left hand and on head. Further, Gyani Rai and Jawahar Rai ordered the accused persons to kill, those who came to save the informant and his brother, whereupon accused Shyam Babu Rai, Bhushan Rai, Ram Babu Rai, Mukesh Kumar Rai and Chandra Ray @ Gautam Ray (petitioner no.2) started assaulting them with farsa causing injury to Lalit Rai, Rajeev Rai and Kamlesh Rai on their hand and head. It is further alleged that accused persons snatched Rs.3500/- and gold chain from the informant. Further the injured were taken to Primary Health Centre from where Rajeev Rai and Kamlesh Rai were referred to P.M.C.H.

The learned counsel for the petitioners submits that petitioners has been falsely implicated in the case. It is submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no reason for the occurrence has been given by the informant. The learned counsel further submits that petitioner no.1 is a student of Dr. Khoobchand Baghel Government P. G. College, Bhilai-3 under Hemchand Yadav Vishwavidhalaya, Durg (C.G.) India and has passed as B.A. Part-I as well as B.A. Part-II examination held in the



month of March-April, 2020 and March-April, 2021 respectively from the aforesaid college and presently, he is to appear in the B.A. Part-III examination likely to be held in the month of May, 2022.

The learned counsel with respect to petitioner no.1 submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that Ram Babu Rai and the petitioners assaulted the informant with iron, khanti and rod hitting him on his left hand and head. It is submitted that it absolutely does not stand to reason that how come when 30-40 accused persons were assaulting the brother of the informant and he went to save his brother, then he could with such certainty identify and allege that which accused assaulted how hitting which part of the body. The learned counsel with respect to petitioner no.2 submits that from perusal of the allegation that it would manifest that allegation against him is general and omnibus in nature. It is also submitted that petitioner no.2 is working as an Accountant in the Establishment of Vijay Kumar Gami, Shivaji Nagar, Bazar Samiti, Darbhanga.

The learned counsel in support of his submission with respect to petitioner nos.1 and 2 has filed a supplementary affidavit. The learned counsel thus submits that even presuming



what has been alleged is true without admitting for the purposes of bail, then it is the first offence of the petitioners and petitioner no.1 is a student and if he is kept in custody for long, his entire career would be jeopardized.

Learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but is not able to meet the submission raised by the learned counsel for the petitioners that the F.I.R. is absolutely silent with regard to the reason for the occurrence. The learned counsel for the informant submits that during course of investigation, it has come that the reason for the occurrence is land dispute.

The learned counsel for the petitioners submits that the F.I.R. from the side of the present petitioners also has been instituted being Bahera P. S. Case No.76 of 2021 registered under Sections 341, 323, 379, 354, 504, 506/ 34 of the I.P.C. wherein the informant has alleged that the informant of the present case along with other accused persons had come on their land when the occurrence took place.

Considering the fact that the petitioners are in custody, they are persons with clean antecedent, charge-sheet has been submitted in this case and petitioner no.1 is a student and taking into consideration the submission made by the



learned counsel for the petitioners, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bahera P. S. Case No.75 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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