

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19445 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- RAJEPUR District- East Champaran

1. Mauje Lal Rai S/O Late Ram Vilash Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
2. Sone Lal Rai S/O Late Ram Vilash Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
3. Raja Ram Rai S/O Late Ram Vilash Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
4. Rama Nand Rai S/O Late Ram Vilash Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
5. Yogindra Rai @ Yogendra Rai S/O Late Fakira Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
6. Bigan Rai S/O Yogindra Rai @ Yogendra Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
7. Vinod Kumar @ Vinod Rai S/O Yogindra Rai @ Yogendra Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
8. Dinesh Rai S/O Ganaur Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
9. Birju Kumar @ Birju Rai S/O Dinesh Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran
10. Krishn Kumar @ Krishna Rai S/O Dinesh Rai Resident of Village -Ismaila, P.S- Raje Pur, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Vijay Shankar Shrivastava, learned counsel
for the petitioners and learned APP for the State.



The petitioners apprehend their arrest in connection with Raje Pur P.S. Case No. 161 of 2022 registered for the offences punishable under Sections 447, 341, 323, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

It is alleged that on 20.08.2022, all the accused persons named in the FIR including the petitioners, variously armed with *lathi*, *danda* and other weapons came and started constructing thatched house on the land of the informant and when the same was objected, all the accused persons started abusing and assaulting him. Specific allegation has been levelled against petitioner no.1 that he gave *farsa* blow on the head of the brother of the informant causing head injury. It is further alleged that petitioner no.2 assaulted the informant on his head by means of iron rod causing serious injury and petitioner no.7 allegedly torn the cloths of the daughter-in-law of the informant.

Learned counsel for the petitioners submits that there is counter version of the present occurrence being Raje Pur P.S. Case No. 168 of 2022 instituted by the father of the petitioner no.8. He further submits that, in fact, there is admitted land dispute giving rise of Title Suit No. 593 of 2022. He next submits that a proceeding under Section 144 Cr.PC. is



also pending between the parties and, on the alleged date of occurrence, on account of such dispute, free fight took place wherein the persons of both sides had sustained injuries, however, the prosecution has failed to explain the injuries to the persons of the petitioner's side.

Learned counsel for the petitioners drawn the attention of this court to the impugned order passed by the learned court below and submits that all the injuries sustained by the person of the informant and his family members are found to be simple in nature.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner nos. 1, 6 and 9 are carrying one criminal antecedent.

Regard being had to the submissions made on behalf of the parties and considering the case and counter case between the parties, apart from the fact that the injuries are found to be simple in nature and there is admitted land dispute, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East



Champaran, in connection with Raje Pur P.S. Case No. 161 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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