

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17827 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- MAHUA District- Vaishali

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1. NARESH RAY SON OF SIMESHWAR RAY RESIDENT OF VILLAGE - KANHAULI MANSIPUR, P.S. - MAHUA, DISTRICT VAISHALI.
 2. DINESH RAY SON OF SIMESHWAR RAY RESIDENT OF VILLAGE - KANHAULI MANSIPUR, P.S. - MAHUA, DISTRICT VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yatindra Narayan, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard Mr. Yatindra Narayan, learned counsel for the petitioners and Mr. Satya Nand Shukla, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Mahua PS Case No. 163/2022 dated 18.03.2022 registered for the offence punishable under Sections 341, 323, 324, 379, 504, 354(B), 506/34 and 307 of the IPC.

3. As per First Information Report, altogether 32 persons assaulted the informant, his wife and other family members.

4. Learned counsel for the petitioners submits that allegation against petitioner no.1 is that he along with other four



accused persons outraged the modesty of the wife of the informant and petitioner no.2 assaulted the informant by means of knife due to which, the informant sustained injury near his left arm. Learned counsel next submits that there is a counter case also lodged by the side of the petitioner bearing Mahua PS Case No. 170/2022 *vide* Annexure-2. It is also submitted that the injury caused to the informant by petitioner no.2 is not serious in nature and the occurrence has taken place due to political rivalry between the parties.

5. Learned counsel appearing for the informant vehemently opposed the prayer for anticipatory bail and submits that a mob of about 32 persons entered into the house of the informant and assaulted him and his other family members in which altogether five persons have sustained injuries. He next submits that though the injury caused by the petitioner no.2 is not grievous but one of the victims has sustained grievous injury in the assault.

6. Regards being had to the submissions made by the parties, taking into consideration the fact that there is a case and counter case, fight between the parties had taken place due to political rivalry and the injury caused by petitioner no.2 is not grievous in nature, I am inclined to grant anticipatory bail to the



petitioners.

7. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua PS Case No. 163/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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