

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19735 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- AWTARNAGAR District- Saran

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1. Satyendra Rai Son Of Shambhu Rai Resident Of Village - Chhotami, P.S. - Awtarnagar, Distt. - Saran At Chapra
 2. Pintu Kumar Son Of Late Sukhdeo Rai Resident Of Village - Chhotami, P.S. - Awtarnagar, Distt. - Saran At Chapra
 3. Bittu Kumar Son Of Late Sukhdeo Rai Resident Of Village - Chhotami, P.S. - Awtarnagar, Distt. - Saran At Chapra
 4. Parma Rai Son Of Bir Kumar Rai Resident Of Village - Chhotami, P.S. - Awtarnagar, Distt. - Saran At Chapra
 5. Ranjan Rai@Rajan Rai So Of Sarwanand Rai Resident Of Village - Chhotami, P.S. - Awtarnagar, Distt. - Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Radha Mohan Singh, learned counsel

appearing on behalf of the petitioners and learned Additional

Public Prosecutor for the State.

There are five petitioners who are apprehending their
arrest in connection with Awatarnagar P.S. Case No. 39 of 2022,
registered for the offences punishable under Sections 341, 323,
324, 307, 325, 354, 504, 506 and 34 of the Indian Penal Code.

It is alleged that while the informant and his family



members were present in their house in the meantime all the accused persons named in the FIR, including the petitioners, came there and co-accused Manoj Rai assaulted the father-in-law of the informant by means of *farsa*. Co-accused Sonu Rai assaulted Kallu Rai with *farsa* on his head, petitioner no. 1 Satyendra Rai assaulted her *dewar* Ranjeet Kumar with iron rod due to which he sustained injury on his left hand. Further allegation has been levelled that other accused persons also assaulted the informant and her family members and snatched away the valuables.

Learned counsel appearing on behalf of the petitioners submits that there is long-standing enmity between the parties resulting into the cases and counter cases from both the sides, apart from the fact that there is a counter version of the present occurrence being Awatarnagar P.S. Case No. 40 of 2022 lodged by the wife of the co-accused Monoj Rai against all the family members of the informant. Further submissions have been made that on account of aforesaid enmity a free-fight has taken place between both the sides resulted into injuries to the persons of both the sides and so far the injuries sustained to the persons of the informant side are concerned, all are found to be simple in nature except the injury sustained to Ranjeet Kumar, the opinion



of which is still reserved. He next submitted that even the injury sustained to Ranjeet Kumar is concerned, the same is not on the vital portion of the body. He further submits that the petitioners are men of fair antecedent and they undertake that they will not indulge in tampering with the evidence or intimidating the informant/witnesses and they will fully cooperate in the investigation/trial.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the specific allegation has been levelled against petitioner no. 1 and other co-accused persons also in furtherance of common intention brutally assaulted the members of the informant side.

Regard being had to the submissions made on behalf of the parties and considering the case and counter case from both the sides, coupled with the admitted enmity and the fair antecedent of the petitioners, besides nature of injury, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Saran at Chapra in connection with



Awatarnagar P.S. Case No. 39 of 2022, subject to the conditions
laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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