

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19333 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- SAHPUR District- Bhojpur

1. Santosh Ray Son of Late Rameshwar Ray Resident of Village and Post Office - Damodarpur, Police Station - Sahpur (Bahoranpur), District - Bhojpur (Ara).
2. Raju Ranjan Ray @ Sonu Ray @ Rajiv Ranjan Ray @ Rajiv Ranjan Son of Sanjay Ray Resident of Village and Post Office - Damodarpur, Police Station - Sahpur (Bahoranpur), District - Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Choubey Jawahar, APP
	Mr. Amarendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-06-2023 Heard Mr. Deepak Kumar Singh, learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners apprehend their arrest in connection with Shahpur (Bahoranpur) P.S. Case No. 412 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 504, 506 and 354C of the Indian Penal Code.

It is alleged that all the accused persons including the petitioners forcefully filling the soil on the land of the informant and when the same was protested, the accused persons came with *lathi* and *danda* and petitioner no.1 caught hold the hand of



the informant with bad intention. When son of the informant came in her rescue, the petitioner no.2 assaulted him by means of iron rod causing serious injury over his head.

Learned counsel for the petitioners submits that there is counter version of the present case being Sahpur P.S. Case No. 411 of 2022, which is earlier on the point of time. The injuries which are sustained to the son of the informant are found to be simple in nature. In support of the averment, the injury report has been brought on record. He further submits that there is an admitted land dispute between the parties which resulted into free fight and unfortunately injury has sustained to the persons of both sides.

On the other hand, learned counsel for the informant vehemently opposes the pre-arrest bail of the petitioners and submits that the petitioner no.1 is carrying a criminal antecedent of an offence under Section 302 of the Indian Penal Code. He further submits that there is specific allegation against the petitioner no.2, who assaulted over the head of the son of the informant.

Learned counsel for the State also opposes the pre-arrest bail application of the petitioners.

Regard being had to the submissions made on behalf



of the parties and considering the case and counter case between the parties as also the nature of injuries, 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 A.C.J.M., Bhojpur at Ara in connection with Shahpur (Bahoranpur) P.S. Case No. 412 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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