

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30403 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- MADHAURAH District- Saran

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1. ASHOK RAI DAROGA RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 2. DURGA RAI s/o DAROGA RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 3. SHAMBHU RAI s/o MANGAL RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 4. ANIL KUMAR RAI s/o MANGAL RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 5. ARUN KUMAR s/o SAHEBLAL RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 6. MADAN RAI s/o DHARAMNATH RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 7. RAMESH RAI s/o DHARAMNATH RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)
 8. NARESH RAI s/o LATE CHANDRADEEP RAI Residents of village- Asoyan, Police Station- Marhowrah, District- Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, it is next



submitted that on account of dispute relating to land, the accused persons including the petitioners came and Ashok (petitioner no. 1) and his wife assaulted him by *Dab* and *Gandasa* causing injury on head, Mantu and Rajmati Devi assaulted Pankaj by sword and *Bhala* causing injury on head and mouth, thereafter, Ramesh (petitioner No. 7) and Madan (petitioner No. 6) assaulted Pramod causing injury, thereafter, Naresh (petitioner No. 8) and Shailesh assaulted Kunal by *lathi* and bricks causing injury, it is further alleged that Rangeela and Nitesh assaulted Om Kumar by *lathi* and bricks and rest accused also assaulted. It is further alleged that Pankaj was referred to *Sadar* Hospital, Chhapra.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that on account of dispute relating to land, the present occurrence is alleged to have taken place, it is next submitted that there is no specific allegation of committing any overt act against petitioner nos. 2, 3, 4 and 5. It is also submitted that the injury suffered by the informant is simple in nature, as would be evident from *Annexure-4* to the anticipatory bail application. It is further submitted that from the



side of the petitioners Marhowrah P.S. Case No. 713 of 2022 was instituted against the side of the informant. It is also submitted that Pankaj, no doubt, was assaulted and was referred to *Sadar* Hospital, Chhapra, but then allegation of assaulting him is against Mantu and Rajmati.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Marhowrah P.S. Case No. 714 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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