

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32980 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- MAHINDWARA District- Sitamarhi

1. Bhag Narayan Rai @ Bhagya Narain Rai @ Bhagya Narayan Rai @ Bhag Narayan Ray Son of Pundev Ray Resident of Village - Sugridih, Chak Sambhua, P.S.- Mahindwara, District - Sitamarhi
2. Raj Kiran Kumar @ Raj Kiran Rai Son of Pundev Ray Resident of Village - Sugridih, Chak Sambhua, P.S.- Mahindwara, District - Sitamarhi
3. Munnu Kumar Son of Bhagnarayan Ray Resident of Village - Sugridih, Chak Sambhua, P.S.- Mahindwara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, 302 of the Indian Penal Code.

3. As per the prosecution case, on the alleged date and time of occurrence, petitioners along with other co-accused persons assaulted the son of informant and during the incident, co-accused Rajnish Kumar inflicted knife blow due to which he sustained injury on upper side of waist. Other accused persons assaulted with fist and slaps, lathi, danda and rod. When nephew



of informant Amrendra Kumar, his brother Rakesh Kumar came to save, then they were also assaulted by the accused persons. When informant came to rescue his son he was also assaulted by the accused persons. Later on, the son of informant succumbed to the injuries.

4. It is submitted that petitioners have been falsely implicated in this case due to previous enmity. Admittedly, there is land dispute between the parties for which a title suit bearing T.S. No. 172 of 2003 is pending in the Court of Sub-Judge I, Sitamarhi. Even, as per the FIR, specific accusation of assault by knife is against other co-accused. The police after investigation submitted final form, but differing with the same the learned court below took cognizance under Section 302 of the IPC against these petitioners.

5. Counsel for informant however vehemently opposed the prayer for bail.

6. Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Sitamarhi
in connection with Mahindwara P.S. Case No. 77 of 2022,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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