

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36087 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- MALSALAMI District- Patna

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1. NEMAN RAY @ NEMAN RAI son of Late Lakhan Rai R/o- Marufganj Patthar Ghat PS- Malsalami Dist- Patna
 2. Dharmendra Rai son of Neman Ray @ Neman Rai R/o- Marufganj Patthar Ghat PS- Malsalami Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Arvind Kumar Pradhan, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Malsalami P.S. Case No. 597 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. Allegedly all the F.I.R. named accused persons, including the petitioners, variously armed with deadly weapons, surrounded the son of the informant and assaulted him with intention to kill. On hulla being raised, all the family members of the informant came to rescue him, whereupon the accused persons also brutally assaulted them due to which three persons



sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that in fact on account of land dispute a free fight took place between the persons of both sides, who are agnates. He next submits that prior to the institution of the present case, wife of petitioner no.1 had instituted Malsalami P.S. Case No. 596 of 2022 and the present case is a counter blast. Further submission has been made that the injuries allegedly sustained to Runna Devi and Chunnu Yadav are found to be simple in nature. So far the injury, which has been inflicted on Kamta Rai, is concerned, the opinion has been kept reserved till date. He next submits that considering the land dispute between the parties, the persons of both sides have settled the matter outside the court and they do not want to pursue any further. He lastly submits that the petitioners are men of fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with the fact that the persons of both the sides are agnates, apart from the omnibus allegation and the fair



antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on 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 learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Malsalami P.S. Case No. 597 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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