

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36538 of 2023

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

RAM AYODHYA RAI Son of Late Ramashish Rai Resident of village -
Sugaridih, P.S. - Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Tripathy, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, Addl Public Prosecutor

Mr. Saroj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2023

Heard learned counsel for the petitioner and 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, petitioner 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. Learned counsel appearing for the petitioner submits that 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 the petitioner. Co-accused, with similar allegation, has already been allowed pre-arrest bail by this Court vide order passed in Cr.Mis.No. 32980/2023.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Sitamarhi in connection with Mahindwara P.S. Case No. 77 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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