

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48842 of 2023

Arising Out of PS. Case No.-1020 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Harendra Rai, S/O Ramswaroop Rai @ Ram Roop Rai, R/O Village- Uphalpura, P.S- Phulwari Sharif, District- Patna,
2. Rajeev Ranjan Kumar @ Rajeev Kumar @ Raghav Kumar @ Raveev, S/O Harendra Rai, R/O Village- Uphalpura, P.S- Phulwari Sharif, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Phulwari Sharif P.S. Case No. 1020 of 2022, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307, 332, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, over blocking the drain, an altercation took place between the families of the petitioners and the informant which resulted in assault by the petitioners on the informant and his son-in-law. The daughter of the informant was also assaulted.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case.



The FIR has been registered after a long delay of 18 days. For the same occurrence, Phulwarisharif P.S. Case No.954 of 2022 has been lodged by the petitioners' side on 05.08.2022, i.e., on the same day of occurrence. The learned counsel further submits that earlier also, an Informatory Petition No.1124/2019 has been filed by the petitioners' side against the informant's side in the court of learned Chief Judicial Magistrate, Patna on 11.04.2019. The learned counsel further submits that Title Partition Suit No.544/2016 has been pending in the court of learned Munsif-1, Patna between the parties and due to previous enmity the petitioners and his family members have been falsely implicated in this case. The learned counsel further submits that the informant and the petitioners are neighbours and it was a case of free fight in which the informant's side has assaulted the petitioners.

5. Learned APP opposes the prayer for grant of anticipatory bail to the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the land dispute as well as case and counter case between the parties with possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna, in connection with



Phulwarisharif P.S. Case No. 1020 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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