

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47908 of 2023

Arising Out of PS. Case No.-327 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. RAJ KUMAR RAI Son of Babu Lal Rai Resident of Village-Ramgama Kamal, Police Station-Sahpur Patori, District-Samastipur
2. RAJ NARAYAN RAI Son of Babu Lal Rai @ Baue Lal Rai Resident of Village-Ramgama Kamal, Police Station-Sahpur Patori, District-Samastipur

... .. **Petitioners**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Sahpur Patori P.S. Case No. 327 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 379, 385, 504, 506 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on 08.08.2022 while he was at home and his brother had gone outside from the house, in the meantime, all the accused persons came there and started digging earth soil in the purchased land of the informant, when he protested then all the



accused persons assaulted him within an intention to kill him.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that there is land dispute between the parties for demarcation of the land as also there is case and counter case between the parties.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that there is case and counter case between the parties, the present case is counter blast of the case lodged by the petitioners' side prior in time which is Annexure '2' to the present application, the allegation against petitioner no. 1 is that he had assaulted by dagger on the head of nephew of the informant but the injury report of the nephew shows that he has suffered one injury on his forehead which is simple in nature caused by hard and blunt substance, so far as petitioner no. 2 is concerned, it is alleged that he assaulted Ravi Kumar who is another nephew of the informant, however, the injury report of Ravi Kumar is showing that he suffered two simple injuries, in the nature of the case between the parties which arise out of land dispute, this Court directs that in case of their



arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri S.N. Sah, learned Judicial Magistrate - 1st Class, Samastipur in connection with Sahpur Patori P.S. Case No. 327 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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