

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54239 of 2023

Arising Out of PS. Case No.-629 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Kailash Rai @ Kailash Ray S/O Late Devprasad Rai R/O Village- Sirdilpur, P.S- Patori, Distt.- Samastipur.
2. Arjun Kumar Rai @ Arjun Kr. Rai @ Arjun Kumar S/O Kailash Rai R/O Village- Sirdilpur, P.S- Patori, Distt.- Samastipur.
3. Lakho Devi @ Lakhiya Devi W/O Kailash Rai R/O Village- Sirdilpur, P.S- Patori, Distt.- Samastipur.
4. Dikka Kumari D/O Kailash Rai R/O Village- Sirdilpur, P.S- Patori, Distt.- Samastipur.
5. Mausami Kumari D/O Kailash Rai R/O Village- Sirdilpur, P.S- Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant:	:	Mr. Vijay Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Learned counsel for the petitioner submits that petitioner no. 2, namely, Arjun Kumar Rai @ Arjun Kr. Rai @ Arjun Kumar has been arrested during pendency of the present petition and he seeks permission to withdraw the petitioner filed on behalf of petitioner no.2.

03. Permission is accorded.

04. Accordingly, the present petition is dismissed as



withdrawn against petitioner no. 2, namely, Arjun Kumar Rai @
Arjun Kr. Rai @ Arjun Kumar

05. In the present case, the petitioners are apprehending their arrest in connection with Shahpur Patori P.S. Case No. 629 of 2022, registered on 28.12.2022 for the alleged offence under Sections 341, 323, 324, 307, 504, 379, 34, 337 and 338 of the Indian Penal Code.

06. As per prosecution case, in the background of some altercation between the informant and one of the petitioners, the petitioners assaulted the informant, her father-in-law and her brother-in-law, causing injuries to them. They also took away a gold chain from the informant. From the written report, it also appears there was some dispute between the parties over right of way.

07. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that there is case and counter case between the parties and petitioner no. 1 has lodged Shahpur Patori P.S. Case No. 630 of 2022 under Section 147, 148, 149, 341, 323, 308, 504, 354(B), 379/34 of the Indian Penal Code against the informant side. Admittedly, there is land dispute between the parties. Learned counsel further submits that the injuries of the victims are simple injuries except one sustained by



the brother-in-law of the informant, which is fracture of bone of head and is stated to be grievous in nature. Learned counsel further submits that there is no specific allegation against petitioner nos. 1, 3, 4 and 5 and the allegations are mostly general, vague and omnibus. From the fact of the case, no offence under Section 307 IPC is made out.

08. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the petitioners assaulted the father-in-law and the brother-in-law of the informant, causing injuries to them. One injury on the brother-in-law of the informant is grievous in nature.

09. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general nature of allegation against the petitioners and background of land dispute, let the petitioners above named, in the even 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/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court, Samastipur in connection with Shahpur Patori P.S. Case No. 629 of 2022, subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure and other 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)

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