

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56051 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- ANGARGHAT District- Samastipur

1. Ram Jinish Roy @ Ram Jinish Ray Son Of Ganaur Roy Resident Of Village And Ps- Anarghat, Dist- Samastipur
2. Kaplesh Roy @ Kapal Roy @ Kapal Ray Son Of Ram Jinish Ray Resident Of Village And Ps- Anarghat, Dist- Samastipur
3. Rajesh Kumar Roy @ Rajesh Roy @ Rajesh Ray Son Of Shankar Ray Resident Of Village And Ps- Anarghat, Dist- Samastipur
4. Shankar Roy @ Shankar Ray Son Of Late Ganaur Ray Resident Of Village And Ps- Anarghat, Dist- Samastipur
5. Bhushan Roy @ Bhushan Ray Son Of Late Ganaur Ray Resident Of Village And Ps- Anarghat, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lovekush Kumar, Advocate
For the State	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Amar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State as well as learned counsel for the informant.

2. At the outset, learned counsel for the petitioners submits that during pendency of the instant application, Petitioner No. 4, namely, Shankar Roy @ Shankar Ray, has been arrested and therefore, he does not wish to press application in respect of Petitioner No. 4, as the same has become infructuous.

3. The petitioners are apprehending their arrest in



connection with Angarghat P.S. Case No. 55/ 2023 registered for the offence punishable under Sections 147, 148, 149, 323, 447, 436, 379 of the Indian Penal Code (for brevity 'IPC').

4. It is alleged that the accused persons have come to the '*darwaja*' of the informant after the informant had obstructed to putting up of "*tatti*" on the lands claimed to be in the share of the informant whereafter they have assaulted the prosecution parties. The accused persons have also set ablaze the informant's house, causing loss of Rs. 1,00,000/- (One Lakh).

5. Learned counsel for the petitioners submits that similar allegation has been levelled by the accused persons upon the informant of the present case. To save their skin, the prosecution parties have lodged the present case. Parties are agnates, and there is subsisting dispute over partition of the common lands. The same gave rise to a trivial issue, when a case and counter case has been lodged. Allegation of assault or arson is not supported by any injury report or material. Petitioners have clean antecedents.

6. Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail.



7. Learned counsel for the informant submits that it is specifically alleged against petitioner No. 5, that he lit the matchstick for burning the house of the informant.

8. Having regard to the submissions advanced by the petitioners' counsel, clean antecedents, lack of any injury report or material in support of alleged arson, the case and counter case lodged between the parties, who are agnates and between whom there is subsisting land dispute and lack of any material regarding setting ablaze of the informant's house, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

9. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class Dalsinghsarai (Samastipur), in connection with Angarghat P.S. Case No. 55/2023, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the



petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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