

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63528 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. Shiv Narayan Rai @ Kunkun Ray son of Late Sahdeo Ray village- Dularikapur Ps- Sarairanjan Dist- Samastipur
2. Shatrughan Rai son of Shiv Narayan Ray village- Dularikapur Ps- Sarairanjan Dist- Samastipur
3. Manju Devi wife of Shatrughan Ray village- Dularikapur Ps- Sarairanjan Dist- Samastipur
4. Kumkum Devi wife of Vipat Ray village- Dularikapur Ps- Sarairanjan Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned

A.P.P. for the State as well as learned counsel for the informant.

2. After some arguments, learned counsel for the petitioners wants to withdraw anticipatory bail application on behalf of the petitioner nos. 1 and 3.

3. Accordingly, anticipatory bail application in so far as it relates to petitioner no. 1, namely, Shiv Narayan Rai @ Kunkun Ray and petitioner no. 3, namely, Manju Devi is dismissed as withdrawn.

4. The anticipatory bail application now confines to petitioner nos. 2 and 4.



5. The petitioners apprehend arrest in connection with Sarairanjan P.S. Case No. 187 of 2023 dated 16.06.2023 instituted for the offence punishable under Sections 341, 342, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

6. The prosecution case, in short, is that on 12.06.2023 at about 10 am, when the father of the informant was going to work then all accused persons surrounded him and started demanding their due amount of Rs. 2000/- from him upon which he stated that he will return the same within two days. It is also alleged that all the accused persons caught the father of the informant and slammed on the ground. In course of it, petitioner Shatrughan Rai assaulted him with *Farsa* on his hand causing injury and Shiv Narayan assaulted him with knife on lower side of chest(panjra) causing injury, and further Manju Devi assaulted the father of the informant with *Garasa* on his on lower side of chest(panjra) and other parts of the body causing injury and thereafter, Shiv Narayan Rai and petitioner Kumkum Devi with an intention to kill him assaulted with lathi and danda and on hearing alarm, when the informant went to rescue his father, he too was assaulted by them.

7. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that allegations levelled against



the Shatrughan Rai and Kumkum Devi are general and omnibus. There is no specific allegation of assault against them. Learned counsel for the petitioners submits that there is land dispute between the parties. Learned counsel for the petitioner submits that from perusal of the impugned order, it is clear that all injuries are simple in nature. Lastly, it has been submitted that petitioners have no criminal antecedents.

8. Learned A.P.P. as well as learned counsel for the informant has vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner nos. 2 and 4 within a period of six weeks from today, in connection with Sarairanjan P.S. Case No.187 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Samastipur subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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