

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71463 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Sagar Ram @ Ram Sagar Ram S/O Late Dalipan Ram R/O Village- Dakhini Dumari, P.S- Patoriy (O.P Mohanpur), Distt.- Samastipur.
2. Anil Ram S/O Sagar Ram R/O Village- Dakhini Dumari, P.S- Patoriy (O.P Mohanpur), Distt.- Samastipur.
3. Indu Devi W/O Anil Ram R/O Village- Dakhini Dumari, P.S- Patoriy (O.P Mohanpur), Distt.- Samastipur.
4. Sabujia Devi @ Sabujija Devi W/O Sagar Ram R/O Village- Dakhini Dumari, P.S- Patoriy (O.P Mohanpur), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Sanjay Kumar, learned counsel

 appearing on behalf of the petitioners and Mr. Murli Dhar,

 learned APP for the State.

2. At the outset, learned counsel appearing on behalf of the petitioners informs this Court that petitioner no. 1, namely, Sagar Ram @ Ram Sagar Ram has been arrested during the pendency of the present bail application and the present bail application has become infructuous on behalf of petitioner no. 1.

3. Accordingly, the present bail application is dismissed as withdrawn on behalf of petitioner no. 1, namely,



Sagar Ram @ Ram Sagar Ram.

4. The petitioner nos. 2, 3 and 4 seek pre-arrest bail in connection with Patory (Mohanpur O.P) P.S. Case No. 375 of 2023 registered for the offence punishable under Sections 341, 323, 307, 457 and 380/34 of the Indian Penal Code.

5. Allegation against the petitioners is that of assaulting the son of the informant. The said assault has allegedly been committed by the petitioner no. 2, who had given fist blow on the eye of the son of the informant.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case due to land dispute. So far as the allegation against the petitioner no. 2 is concerned, in absence of injury report it cannot be said that he with an intention to kill the son of the informant had given fist blow on his eye. So far as petitioner nos. 3 and 4 are concerned, both of them are ladies and general and omnibus allegation has been levelled against them. Petitioners have clean antecedent. On these grounds, petitioner nos. 2, 3 and 4 seeks to be released on pre-arrest bail.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.



8. Considering the nature of allegation made against the petitioner no. 2, the learned District Court is directed to call for the injury report, as well as, the material which have been collected in course of investigation and if it is found that injury is simple in nature and injury is not sustained on vital part of the body by the informant and his son, the petitioner no. 2 is directed to be released on pre-arrest bail.

9. So far as petitioner nos. 3 and 4 are concerned, there is general and omnibus allegation has been levelled against them in the FIR to the extent that they had snatched Rs. 50,000/- from the informant.

10. The petitioner nos. 2, 3 and 4, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur, in connection with Patory (Mohanpur O.P) P.S. Case No. 375 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

11. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending



**against the petitioners as what has been stated in paragraph
no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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