

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70062 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. RAMLAL RAI S/O Sadhu Rai R/O Village- Madhopur Kurkaha, P.S- Mahmadpur, District- Gopalganj
2. Abhishek Kumar S/O Ramlal Rai R/O Village- Madhopur Kurkaha, P.S- Mahmadpur, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP.
Mr. Lokesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-03-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 504, 506 of the Indian Penal Code.

The prosecution case, in brief, is that on the alleged date and time of occurrence, due to land dispute, petitioners, along with other accused persons, attacked upon the informant. In due course, petitioner no.1 inflicted knife blow upon the Suresh Rai and Surendra Rai due to which they sustained various injuries. Petitioner no.2 is said to have assaulted Dhananjay Kumar in his abdomen.

The petitioners are quite innocent and have not



committed any offence. They have been falsely implicated in this case due to land dispute. The allegations levelled against the petitioners is general and omnibus in nature. There is admitted land dispute between the parties. The injury sustained by the victim Surendra Rai is simple in nature. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State as well as learned counsel for the informant vehemently opposing the bail petition submitted that the injuries sustained by the victims i.e. Suresh Rai and Dhananjay Kumar Yadav are grievous in nature.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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