

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72169 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SANJAY RAY @ SANJAY KUMAR RAY Son of Gaya Prasad Ray, R/V-
Bejhadih Ward no. 2, P.S- Muffasil, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad, Adv.
For the State	:	Mr.Md. Shakir Ahmad, APP
For the Informant		Mr. Anshu Dhar Sharma, Adv.
		Mr. Ram Babu Yadav, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 27-03-2023 Heard the learned counsel for the petitioner as well as
the learned counsel for the informant.

The petitioner is seeking regular bail in connection
with Muffasil P.S. Case No. 49 of 2021, registered for offence
punishable under sections 341, 323, 307, 302, 504 and 120(B)
of the Indian Penal Code.

As per allegation, there was previous land dispute
between the informant and co-accused Laxman Rai. For
conciliation of the matter, the petitioner called the father of the
informant to the house of co-accused Laxman Rai where
co-accused Ravi Ranjan Kumar, Laxman Rai and Sobha Devi
assaulted the father of the informant with *Lathi*, *Danda* etc.



When the informant and his younger brother Ranjay Kumar rushed to the place of occurrence, hearing cry of their father, then the accused persons also assaulted them with iron rod and *Khanti*. Ravi Ranjan Kumar inflicted *Khanti* blow on the head of Ranjay Kumar and Pawan Rai assaulted the informant. They also assaulted the father of the informant with iron rod. His brother Ranjay Kumar died during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has submitted further that the petitioner is not assailant, rather only allegation against him is that he called the father of the informant to the house of Laxman Rai. Laxman Rai, against whom there is allegation of assaulting the father of the informant, has been granted bail in Cr. Misc. No. 69386 of 2022. Co-accused Pawan Kumar, against whom there is allegation to assault the informant, has been granted anticipatory bail by a coordinate Bench of this Court. The petitioner is under custody since 01.09.2022.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that it was the petitioner, who called the father of the informant to the house of Laxman Rai.



Considering the fact that co-accused Laxman Rai, against whom there is allegation of inflicting assault, has been granted bail and co-accused Pawan Rai has been granted anticipatory bail and the case of the petitioner is on better footing, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Muffasil P.S. Case No. 49 of 2021, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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