

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75801 of 2023**

Arising Out of PS. Case No.-234 Year-2022 Thana- PARSA District- Saran

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1. DINESH RAI S/O BALIRAM RAI VILLAGE- KUWARI BIR, PS. PARSA, DIST. SARAN AT CHAPRA
  2. SIKANDER RAI S/O BALIRAM RAI VILLAGE- KUWARI BIR, PS. PARSA, DIST. SARAN AT CHAPRA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ram Binod Singh  
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      01-12-2023                      Heard learned counsel for the petitioners, learned  
counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Parsa P.S. Case No. 234 of 2022 registered for the offences punishable under Sections 341, 323, 325, 504, 506, 307 and 34 of the IPC and later on added section 302 of the IPC.

3. As per prosecution case, petitioners and others armed with sticks, spears, iron rod, and *daab* came to the door of the informant and started assaulting informant. It is further alleged when informant's grandmother came for rescuing him, co-accused Abhay Kumar assaulted her by leg due to which she fell down and thereafter co-accused Vidhan Rai assaulted her by means of iron rod as a result of which she sustained injury on



waist and thigh and other accused persons also assaulted informant's grandmother by means of lathi and danda due to which she sustained injury on leg. When informant's father came there, then, petitioners and others also assaulted him by means of fist and slap.

4. Learned counsel for the petitioners submits that petitioner no. 1 is in custody since 01.07.2023 and petitioner no. 2 is in custody since 28.06.2023. Petitioners bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the specific allegation of assaulting the deceased (grandmother of the informant) is against co-accused Vidhan Rai. There is no specific allegation of assaulting against the petitioner rather the same is general and omnibus in nature. He further submits that alleged occurrence took place on 11.09.2022 and FIR has been lodged on 15.09.2022 without giving any plausible explanation for the delay. He further submits that there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. He further submits that co-accused



Kundan Kumar and Shailendra Kumar have already been granted bail vide Cr. Misc. No. 63337 of 2023 and Cr. Misc. No. 63448 of 2023 respectively by a co-ordinate Bench of this Court and the case of present petitioners stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, co-accused have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IXth, Saran at Chapra in connection with Parsa P.S. Case No.234 of 2022 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

vashudha/-

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