

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8741 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Madan Ray S/o Nandu Ray
 2. Mohan Ray S/o Nandu Ray
 3. Ravindra Ray @ Ravindra Kumar S/o Madan Ray
 4. Dhurendra Ray @ Dhurendra Kumar S/o Madan Ray
 5. Ravi Ray @ Ravi Kumar, S/o Madan Ray,
 6. Birendra Ray @ Birendra Kumar S/o Mohan Ray
- All are R/o Village-Sandha, P.S.- Muffasil, Dist.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Muffasil P.S. Case No.306 of 2023 registered under Sections 341, 323, 324, 307 and 379 read with 34 of the Indian Penal Code.

3. Allegation against the petitioners is to assault the informant and others along with co-accused persons by using sword causing head and bodily injuries, having intention to cause death, where occurrence alleged to be arises out of land dispute.



4. It is submitted by learned counsel that the present occurrence is free fight in nature for which a counter case was also lodged by petitioners' side, which has been registered as Mufassil P.S. Case No.307 of 2023. It is submitted that both parties received injuries during the occurrence and occurrence is of free fight in nature, therefore, it cannot be said safely that the petitioners were not under intention to cause death. It is further submitted that the nature of injuries, which is lacerated also not appears corroborated on face *qua* nature of weapon as alleged to cause said injury, being sword, which is a sharp-edged cut weapon. Learned counsel further submitted that allegation regarding assault is not specific against these petitioners. While concluding argument, it is submitted that all petitioners are of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of the above-mentioned facts and circumstances, the offence *prima facie* appears free fight arises out of land dispute where petitioners' side also lodged a case against the informant and others, accordingly, the above-named, petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Muffasil P.S. Case No.306 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

Sanjeet/- **(Chandra Shekhar Jha, J.)**

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