

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6962 of 2024

Arising Out of PS. Case No.-443 Year-2023 Thana- ROSERA District- Samastipur

1. Ravindra Kumar Ray @ Ravindra Ray, S/O Late Sudhir Ray, R/O Village-Mahraur, Ps-Rosera, District-Samastipur, Bihar-848101
2. Lalit Kumar Jha @ Lali Jha, S/O Ashok Jha, R/O Village-Sounpur, Rosera Ps, Samastipur, Bihar-848101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Rosera P.S. Case No. 443 of 2023, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons entered into the brick kiln of the informant and the intruders were armed with *lathi*, *danda* and pistol. They started destroying the articles kept in the room. Allegation against petitioner no.1 is that he assaulted the



informant with butt of the pistol on his head causing its fracture and thereafter petitioner no.2 and other co-accused person dragged the informant to an orchard and brutally assaulted him. They also took away Rs. 60,000/- from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The occurrence took place in the background of dispute between petitioner no.1 and the owner of the brick kiln (*chimney*) with regard to the ownership of brick kiln (*chimney*). One Shyam Narayan Mishra by creating a forged lease deed wants to grab the brick kiln which the petitioner no.1 got through a registered lease deed and in this background, the present case has been lodged against the petitioners. The informant side wants to grab the leasehold property of petitioner no.1. No injury report has come on record and it shows the fabrication of the case. From the facts of the FIR, it is evident that there was no intention to cause death since so many persons assaulted the informant but he survived this assault without suffering any serious injury. There could be no application of Section 307 of IPC in this case. The allegation of theft is not believable and is merely



ornamental. Over the property dispute, petitioner no.1 has been made accused in Rosera P.S. Case No. 370 of 2023 and Rosera P.S. Case No. 392 of 2023 as well. In one of the cases, petitioner no.1 is on bail and in another case, petition for anticipatory bail is pending. Petitioner no.2 is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioners in the background of property dispute and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Rosera at Samastipur/concerned court in connection with Rosera P.S. Case No. 443 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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