

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9365 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- PARSA District- Saran

1. Mahesh Ray, son of Narad Ray, Village- Dighra Ps- Parsa Dist- Saran
2. Palpal Kumar @ Vikash Ray @ Bikash Kumar, son of Sabha Nand Ray, Village- Dighra Ps- Parsa Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avnish Kumar Singh, Advocate
For the State	:	Mr. Arvind Kumar Pandey (APP.84)
For the Informant	:	Mr. Alok Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Parsa P.S. Case No. 105 of 2023, registered on 30.04.2023 for the offences under Sections 341, 323, 324, 307 and 342/34 of the Indian Penal Code.

3. As per prosecution case, while the brother of the informant was returning after unloading soil from his tractor, petitioners and co-accused persons entered into some altercation with the brother of the informant. The brother of the informant called his father and when the father of the informant reached at the spot, petitioner no.1 gave a knife blow in his chest while the



petitioner no.2 caught hold him.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the prosecution version, it is apparent that the informant side is aggressor as they came on the spot on call of the brother of the informant. Learned counsel further submits that it is also apparent from the FIR that the brother of the informant was going on his tractor and the petitioners were on motorcycle and on dispute over ceding space, some altercation took place which resulted in the occurrence. In worst situation it is a case of grave provocation and only a single blow was given. Learned counsel further submits that petitioner no.1 is having criminal antecedent of one case and petitioner no.2 is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that there is specific allegation against petitioner no.1 for causing injury on the chest and the injury report also shows injury on mid upper abdomen and the father of the informant has to undergo surgery after opening the abdomen. Even the liver and other parts of the victim were found lacerated



which was repaired and blood clots were also found. Learned counsel further submits that the father of the informant was referred to P.M.C.H. due to serious condition and grievous injury was found though the police is favouring the petitioners and have not produced the initial injury report even after repeated requisitions by the court.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against petitioner no.1 and also considering the criminal antecedent of the petitioner no.1, I do not think it is a fit case for grant of anticipatory bail to the petitioner no.1, **Mahesh Ray**.

7. Accordingly, the prayer for anticipatory bail of the **petitioner no.1, Mahesh Ray** is rejected.

8. However, considering the vague nature of allegation against petitioner no.2 without any substantive material, let the **petitioner no.2, Palpal Kumar @ Vikash Ray @ Bikash Kumar**, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX,



Saran, Chapra/concerned court in connection with Parsa P.S.
Case No. 105 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
petitioner no.2.
- (ii) The petitioner no.2 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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