

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20779 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Arvind Kumar S/o Ramashish Ray R/o Village- Rahimpur Rudauli, P.S.- Mufassil, Distt.- Samastipur
 2. Dilip Kumar @ Dilip Ray S/o Ramashish Ray R/o Village- Rahimpur Rudauli, P.S.- Mufassil, Distt.- Samastipur
 3. Nageshwar Ray S/o Late Keshwar Ray R/o Village- Rahimpur Rudauli, P.S.- Mufassil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 303 of 2023 for the offence punishable u/s 307, 147, 148, 149, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and other accused persons came to the house of the informant and assaulted the informant and his family members. The occurrence took place in the background of land dispute between the parties which was subject matter of a civil suit.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The land dispute is admitted between the parties and there is counter version of the same occurrence as petitioner No. 3 has filed Samastipur Mufassil P.S. Case No. 302 of 2023 against the informant of this case and (others) and in order to save their skin, the informant side has lodged the present case. Learned counsel further submits that the injuries received by the informant's are simple in nature and does not support the allegation leveled in the FIR. The petitioner nos. 1 and 3 have got no criminal antecedent and petitioner No. 2 have got antecedent of one criminal case in which he is on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and considering the case and counter case between the parties in the background of land dispute and possibility of false implication, let the petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court



concerned, Samastipur in connection with Samastipur Mufassil
P.S. Case No. 303 of 2023, subject to conditions as laid down
under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

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