

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17685 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- BACHHWARA District- Begusarai

1. RANJIT RAI S/O RAM PADARATH RAI R/O VILLAGE- RACHIYAH, P.S- BACHHWARA, DISTT.- BEGUSARAI.
2. SANDEEP RAI S/O RAM PADARATH RAI R/O VILLAGE- RACHIYAH, P.S- BACHHWARA, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anuj Kumar, Adv.
For the Opposite Party/s :	Mr. Anant Kumar I, APP.
	Mr. Aryan Singh, Adv.
	Mr. Gajendra Kumar Singh, Adv.
	Mr. Nand Kishor Roy, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-04-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 325, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the informant's side brutally with deadly weapons due to which they sustained injuries. Petitioner no.1 assaulted the informant's father by means of a mortar due to which he sustained injury on his nose and forehead.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged has ever taken place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is admitted land dispute between the parties. There is no eye-witness to the alleged occurrence. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that there is serious allegation against petitioner no.1 to assault the informant's father by means of mortar due to which he sustained grievous injury. Hence, petitioner no.1 does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bachhwara P.S. Case No. 401 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is serious allegation against petitioner no.1 to assault the informant’s father due to which he sustained grievous injury, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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