

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23675 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- RAGHOPUR District- Vaishali

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1. Virendra Ray Son of Lal Bahadur Ray Resident of Village - Chandpur, P.S. - Raghopur, District - Vaishali
 2. Doman Ray Son of Late Binda Ray Resident of Village - Chandpur, P.S. - Raghopur, District - Vaishali
 3. Nunu Ray Son of Late Binda Ray Resident of Village - Chandpur, P.S. - Raghopur, District - Vaishali
 4. Deepak Ray Son of Birendra Ray Resident of Village - Chandpur, P.S. - Raghopur, District - Vaishali
 5. Baban Kumar @ Babban Kumar Son of Birendra Ray Resident of Village - Chandpur, P.S. - Raghopur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel appearing on behalf of the

petitioners and learned A.P.P. appearing for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Raghopur P.S. Case No. 265 of 2023, registered on 03.11.2023 for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 354, 504 and 506 of the Indian Penal Code.

03. As per the prosecution case, the petitioners and other co-accused persons assaulted the informant with spade and butt of the pistol. When the family members of the informant came to save him they were also assaulted by the petitioners and

others.

04. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The occurrence took place on dispute over the right of way and this fact is apparent from the F.I.R. There is case and counter case between the parties and for the same occurrence, Raghapur P.S. Case No. 266 of 2023 under Section 307, 379 and other allied sections of the Indian Penal Code has been lodged from the side of the petitioners against the informant and others. Persons from both sides received injuries but the injury reports, do not support the prosecution case. The informant has very cleverly tried to implicate all petitioners by attributing specific acts to them and this makes the case of the prosecution not believable. However, the parties have come to a compromise and a joint compromise petition has already been filed before the learned trial court. The petitioners are having no criminal antecedent.

05. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is specific allegation against the petitioners for causing specific injuries.

06. Having regard to the fact and circumstances and

submission made on behalf of the parties and considering case and counter case between the parties and further considering absence of material to show attempt on life, 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 C.J.M., Vaishali at Hajipur in connection with Raghapur P.S. Case No. 265 of 2023, subject to the condition 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 below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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