

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27738 of 2024

Arising Out of PS. Case No.-153 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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1. Santosh Kumar, male, aged about 19 years, son of Harishankar Ray
 2. Dharmendra Ray @ Dharmesh Kumar, male, aged about 24 years, son of Harishankar Ray
 3. Arwind Kumar, male, aged about 22 years, son of Harishankar Ray
 4. Ravindra Ray, male, aged about 30 years, son of Harishankar Ray
 5. Gudiya Devi, female, aged about 28 years, wife of Ravindra Ray
 6. Saraswati Devi, female, aged about 60 years, wife of Harishankar Ray
 7. Savita Devi, female, aged about 27 years, wife of Dharmendra Ray
 8. Harishankar Ray, male, aged about 62 years, son of Late Yugeshwar Ray
All are R/O Village- Nayagaow Ward No. 07, P.S- Shyampur Bhataha, Distt.- Sheohar.
 9. Lalita Devi, female, aged about 25 years, wife of Kameshwar Ray, R/O Village- Lallua, P.S And Distt.- Sheohar.
 10. Anju Devi, female, aged about 35 years, wife of Krishn Nandan Ray, R/O Village- Pardeshiya, P.S And Distt.- Sheohar.
 11. Aata Devi, female, aged about 60 years, wife of Mana Ray, R/O Village- Lachchhu Tola, P.S- Shyampur Bhataha, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Arbind Kumar, learned counsel appearing

on behalf of the petitioners and Mr. Shantanu Kumar, learned

APP for the State.

2. The petitioners seek pre-arrest bail in connection

with Shyampur Bhataha P.S. Case No. 153 of 2023, registered



for the offence punishable under Sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners along with co-accused had assaulted the informant and her husband while they were doing some work at their land bearing Khata No. 1016, Kheshra No. 2403. Relating to the said land, there is land dispute. Specific allegation against the petitioner no. 8 that he was the order giver and petitioner no. 4, who had assaulted on the head of the husband of the informant by means of iron rod, due to which, he had sustained injury.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Both the parties are agnate and there is land dispute between them, due to which, both the parties had entered into fierce fight and petitioners, in their self defence, may have caused some injury to the informant side without intention. There is case and counter case between the parties arising out of the same incidence. Injuries sustained by the informant and her husband are simple in nature. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that both the parties are agnate and there is land dispute between them, due to which, both the parties had entered into fierce fight and petitioners, in their self defence, may have caused some injury to the informant side without intention. There is case and counter case between the parties arising out of the same incidence. Injuries sustained by the informant and her husband are simple in nature. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Sheohar, in connection with Shyampur Bhataha P.S. Case No. 153 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending



**against the petitioners as what has been stated in paragraph
no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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