

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28853 of 2024

Arising Out of PS. Case No.-111 Year-2021 Thana- JHAJHA District- Jamui

1. DEGAN RAI S/O PARMESHWAR RAI R/O VILLAGE- TOLA BAKHORI, P.S- JHAJHA, DISTT.- JAMUI.
2. NEPALI RAI S/O LATE THAKURI RAY R/O VILLAGE- TOLA BAKHORI, P.S- JHAJHA, DISTT.- JAMUI.
3. SANTOSH RAY @ SANTOSH @ SATO RAI S/O SARYU RAY R/O VILLAGE- TOLA BAKHORI, P.S- JHAJHA, DISTT.- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2024

Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, on 27.03.2021, all FIR named accused persons including the petitioners were forcibly cultivating the onion field of informant. Upon protest by informant, they started abusing the informant. Petitioner No.1 armed with iron rod assaulted the informant causing head injury and petitioner no.2 assaulted the father of the informant with lathi.



4. Learned counsel for the petitioners submits that FIR has been lodged after delay of 17 days and there is no explanation for the same. Both the parties are close neighbours and due to petty dispute, fight took place between them. As a matter of fact, the entire prosecution case is an afterthought with an ulterior motive to harass and humiliate the petitioners. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition and submits that as per FIR, petitioner No.1 assaulted with iron rod and Doctor has found the injury grievous in nature.

6. Considering the aforesaid facts and circumstances, prayer for bail of petitioner No.1 who is alleged to have caused grievous injury is rejected. Since the injury caused by petitioner No.2 and 3 are simple in nature and have got clean antecedent, the prayer for bail of petitioner No.2 and 3 is allowed. Let the above named petitioner No.2 and 3, in the event of their arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui, in connection with Jhajha P.S. Case No. 111 of 2021, subject to



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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