

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32045 of 2024

Arising Out of PS. Case No.-27 Year-2017 Thana- MUSRIGHRARI District- Samastipur

1. Vijay Kumar @ Vijay Ray, S/o Late Dhanik Lal Ray, R/o vill - Chakhabib, P.S. - Musrigharari, Distt. - Samastipur
2. Suraj Kumar Ray, S/o Vijay Kumar @ Vijay Ray, R/o vill - Chakhabib, P.S. - Musrigharari, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Musarigharari P.S. Case No. 27 of 2017, registered for the alleged offences under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were armed with *lathi*, *danda*, rod, assaulted the informant in the backdrop of land dispute and fractured his head.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The land dispute is admitted. There is no specific



allegation of assault against the petitioners and the injury report of the informant shows only simple injury, which is lacerated wound on head of size 1" x 1/2" x 1/2". If four persons assaulted the informant, there ought to be more than one injury. So the injury report falsifies the allegations against the petitioners, who are having clean antecedent. Co-accused Sudhir Kumar and Pappu Kumar have been granted anticipatory bail by this Court vide order dated 16.04.2024 passed in Cr. Misc. No. 8386 of 2024.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple and superficial nature of injury for which there is omnibus allegation and further considering the possibility of false accusation, 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 bond of Rs. 10,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur/ court concerned, in connection with Musarigharari P.S. Case No. 27



of 2017, subject to the conditions mentioned in Section 438(2)
of the Cr.P.C. and the 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 court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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