

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32594 of 2024**

Arising Out of PS. Case No.-436 Year-2023 Thana- BARHARIA District- Siwan

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1. Md .Raja Ray @ Raja Son Of Subhash Ray @ Subash Ray Resident Of Village - Puraina, P.S. - Barharia, District - Siwan
  2. Aslam Rai Son Of Subhash Ray @ Subash Ray Resident Of Village - Puraina, P.S. - Barharia, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate  
For the APP : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      22-05-2024                      Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Barharia P.S. Case No. 436 of 2023, registered for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that due to previous land dispute the Petitioners and other co-accused persons, in conspiracy, came to the house of the informant with weapons and assaulted the informant and his family members with iron rod and lathi. Due to the assault,



the informant and his father sustained head injuries.

4. Ld. counsel for the petitioners submits that both Accused and prosecution side belong to the same family and the alleged occurrence had taken place on account of property dispute and there was free fight between them due to which both the sides received injuries. He further submits that both the sides have filed criminal cases in regard to the same occurrence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no. 3 of the bail petition that Petitioners have been made accused in one other case in which they are on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of Ld. Additional Chief Judicial Magistrate-III, Siwan, in connection with Barharia P.S. Case No. 436 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing him and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

**(Jitendra Kumar, J)**

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