

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33346 of 2024

Arising Out of PS. Case No.-637 Year-2023 Thana- BASANTPUR District- Siwan

1. Dwarika Ray Son of Harilal Ray Resident of Village- Ujjaina, P.S.- Basantpur (Lakri Nabiganj O.P.), Dist.- Siwan
2. Awadh Kishor Ray Son of Chandrika Ray Resident of Village- Ujjaina, P.S.- Basantpur (Lakri Nabiganj O.P.), Dist.- Siwan
3. Dashrath Ray Son of Dwarika Ray Resident of Village- Ujjaina, P.S.- Basantpur (Lakri Nabiganj O.P.), Dist.- Siwan
4. Sujeet Ray @ Sujeet Kumar Son of Dwarika Ray Resident of Village- Ujjaina, P.S.- Basantpur (Lakri Nabiganj O.P.), Dist.- Siwan
5. Raj Kishor Ray @ Rajkishor Yadav Son of Dwarika Rai Resident of Village- Ujjaina, P.S.- Basantpur (Lakri Nabiganj O.P.), Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 27-05-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Basantpur (Lakari Nabiganj) Police Station Case No. 637 of 2023, disclosing offences under Sections 323, 307, 341, 379, 504, 506 read with Section 34 of the Indian Penal Code.
3. As per the First Information Report, on 04.12.2023, in the



afternoon, the petitioners along with other accused persons armed with various weapons came on a tractor and started abusing the informant and others. When the wife of the informant opposed the same, the petitioner no. 2/Awadh Kishor Ray assaulted her by means of farsa on her head, petitioner no. 1/Dwarika Ray, along with others, assaulted elder and younger brother of the informant by means of iron rod on their head, legs etc., petitioner no. 3/Dashrath Rai assaulted son of the informant i.e., Pankaj Kumar by means of dab on his head, petitioner no. 4/Sujeet Ray snatched mangalsutra and other ornaments from the informant's wife and petitioner no. 5/Raj Kishor Ray assaulted informant by means of farsa on his head.

4. Learned Counsel for the petitioners submits that there is land dispute between the informant and the petitioners family. Both the parties are agnates and co-sharers. The occurrence due to land dispute took place on 04.12.2023 for which written report was submitted in the police station by the side of the petitioners as well as the informant. A formal FIR of the informant's side was registered on 08.12.2023, however, the formal FIR from the side of the petitioners was registered on 24.12.2023,



after the death of elder brother of petitioner no. 1 namely Rudal Ray. The injuries caused to the victims are simple in nature except the injury caused to the wife of the informant by Awadh Kishor Ray. The allegation against the petitioner no. 2/Awadh Kishor Ray that he assaulted the wife of the informant by means of farsa on her head but from perusal of the injury report, it would be evident that the injury has been described as grievous finding injury on the left shoulder of the victim.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharers, there is a previous land dispute between them, case and counter case is also there and the injuries caused to the victims are simple in nature except the injury caused to the wife of the informant which is grievous in nature on non-vital part of the body, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Siwan, in connection with Basantpur (Lakari Nabiganj) Police Station Case No. 637 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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