

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35420 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- TARAIIYA District- Saran

1. Upendra Ram @ Upendra Kumar Ram, Son of Harendra Ram, Resident of Village- Dih Chhapia, PS- Taraiya, Dist- Saran
2. Dharmendra Ram @ Dharmendra Kuamr Ram, Son of Harendra Ram, Resident of Village- Dih Chhapia, PS- Taraiya, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-07-2024 Heard Mr. Nalin Kumar, learned counsel for the petitioners, Mr. Ashoutosh Kumar Singh, learned counsel for the informant and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Taraiya P.S. Case No. 409 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that all the accused persons came at the door of the informant and started abusing him over a land dispute. On protest being made, the accused persons armed with weapon



started assaulting. It is specifically alleged that on the exhortation made by co-accused Ravindra Ram, co-accused Harendra Ram assaulted the informant with *hasua* causing injuries over his shoulder. There is further allegation of assault against other accused persons, including the petitioners.

4. Learned counsel for the petitioners submitted that both the parties are *gotiyas* and next door neighbour; there is pending land dispute between them. It is further contended that, in fact, on account of land dispute, a free fight took place resulting into injuries to the persons of both the sides. So far the injuries sustained to the informant and his family members are concerned, all have been found to be simple in nature. Taking note of the aforesaid fact, other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail in Cr. Misc. No. 34836 of 2024 vide order dated 30.05.2024, the copy of which has been produced across the Board and has taken on record. There is a counter version of the present case being Taraiya P.S. Case No. 410 of 2023 instituted by the wife of co-accused Ravindra Ram. It is lastly contended that the petitioners have absolutely fair antecedent and they undertake that they will not indulge in such activities in future.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submitted that the petitioners had actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of the case and counter case, coupled with the simple nature of injury and the fact that other-co-accused persons having similar allegation have been allowed the privilege of bail as also the petitioners bear fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Saran, Chapra in connection with Taraiya P.S. Case No. 409 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

