

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35411 of 2024

Arising Out of PS. Case No.-666 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Akhilesh Kumar Ray Son Of Manohar Ray R/O Village- Dih Dashahra, P.S.- Patory (Manoharpur O.P.), Dist-Samstipur
2. Ankaj Kumar Ray @ Ankaj Kumar Son Of Jaikant Ray R/O Village- Dih Dashahra, P.S.- Patory (Manoharpur O.P.), Dist-Samstipur
3. Ram Anuj Ray @ Anuj Kumar @ Anoj Kumar Prasad Son Of Bhiguru Nath Ray @ Bhrigu Nath Ray @ Bhrigunath Prasad R/O Village- Dih Dashahra, P.S.- Patory (Manoharpur O.P.), Dist-Samstipur
4. Jaikant Ray Son Of Late Viraugi Ray R/O Village- Dih Dashahra, P.S.- Patory (Manoharpur O.P.), Dist-Samstipur
5. Manohar Ray Son Of Late Viraugi Ray R/O Village- Dih Dashahra, P.S.- Patory (MANOHARPUR O.P.), Dist-Samstipur
6. Bhiguru Nath Ray @ Bhrigu Nath Ray @ Bhrigunath Prasad Son Of Late Viraugi Ray R/O Village- Dih Dashahra, P.S.- Patory (Manoharpur O.P.), Dist-Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Patory (Mohanpur O.P.) P.S. Case No. 666 of 2023 registered for the alleged offence under Sections 147, 149, 447, 448, 341, 323, 307, 354(B), 379, 504, 506 of the Indian Penal Code.

03. As per prosecution case, in the background of land



dispute, the petitioners abused and assaulted the informant causing fracture of her head.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Title Suit No. 33 of 2022 has been pending between the parties and during pendency of this title suit, the informant and others tried to forcibly dispossess the petitioners for which a proceeding under Sections 144 and 107 Cr.P.C. has been initiated. The informant and her family members are trying to dispossess petitioners from the land bearing *Mauza-Dashahra, Khata No. 216, Khesra No. 775, Area-05* decimal under P.S.-Patory, Mohanpur O.P., District-Samastipur. Learned counsel further submits that there is inordinate delay of 15 days in lodging the FIR as for an occurrence of dated 11.10.2023, FIR has been registered on 26.10.2023 for which there is no satisfactory explanation. Learned counsel further submits that the injuries of the informant are merely back pain, pain on skull, chest pain and pain all over the body and doctor has opined that all the injuries are simple in nature. The petitioners have been made accused in one more case, which has been filed by the son of the informant, namely, Shambhu Kumar Rai and the petitioners are on bail in that case.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of land dispute and possibility of false implication, let the petitioners above named, in the even 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class/concerned court, District Samastipur, in connection with Patory (Mohanpur O.P.) P.S. Case No. 666 of 2023 subject to the condition laid down under Sections 438(2) of the Code of Criminal Procedure and other 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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