

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38600 of 2024

Arising Out of PS. Case No.-92 Year-2021 Thana- MAHISHI District- Saharsa

1. Anil Kumar Ray @ Anil Ray, S/o Chhedi Ray,
 2. Nawal Kishor ray @ Nawal Ray, S/o Chhedi Ray,
 3. Mukesh Ray, S/o Suresh Ray,
 4. Sanjeet Ray, S/o Late Dudebu Ray @ Late Debu Ray,
 5. Murari Ray, S/o Suresh Ray,
 6. Akhlesh Ray @ Akalesh Kumar, S/o Shobhit Ray,
 7. Arvind Kumar @ Arvind Ray, S/o Shobhit Ray
- All are residents of village-Mangrauni, P.S.-Mahishi, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Mrs. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 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 Mahishi P.S. Case No. 92 of 2021 registered for the alleged offences under Sections 147, 149, 341, 323, 307, 379, 427, 447 and 504 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused persons, making an unlawful assembly, came and assaulted the informant and his family members, causing a number of injuries to them. The occurrence took place in the



background of land dispute.

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 between the parties and there is general and omnibus allegation against all the petitioners except the petitioner no.1, who is stated to have caused the injury on the forehead of the informant with *dabiya*, but the injury of the informant and others victims are all said to be simple and none of the injuries appears to be serious. There is a counter version of the incident as the wife of the petitioner no.2 has lodged Mahisi P.S. Case No.93 of 2021 against the informant and others. Both sides are agnates and there has been continuing dispute over the land of the parties. The petitioners are having clean antecedents.

5. Learned APP opposes the submission 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 case and its counter version and further considering the simple nature of injury, which appears to be superficial and non-serious and further considering the land dispute between the parties and the possibility of false implication as well as clean antecedent,



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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saharsa, in connection with Mahishi P.S. Case No. 92 of 2021, 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)

V.K.Pandey/-

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