

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43581 of 2024

Arising Out of PS. Case No.-544 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

1. Rahul Kumar S/o Late Jay Narayan Ray
2. Rohan Kumar S/o Late Jay Narayan Ray
3. Renu Devi W/o Late Jay Narayan Ray
All Resident of Vill - Jitwarpur Chouth, P.S. - Samastipur (Muffassil), Distt.
- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Samastipur Muffassil P.S.Case No.544 of 2023 registered for the
offences punishable under Sections 448, 341, 323, 324, 326,
307, 379, 504 & 506/34 of the Indian Penal Code .

3. As per the allegation made in the FIR, due to
enmity and the land dispute, the petitioners and the informant
side entered into fierce fight. The petitioners are own blood of
the informant. The specific allegation against the petitioner nos.
1 and 2 is that they used iron rod and assaulted on the informant
on his leg. Petitioner no.1 assaulted on his left leg and there is



no specific allegation on which leg of the informant, the petitioner no.2 had assaulted. So far as petitioner no.3 is concerned, the allegation is that she had assaulted the informant by means of '*Farsa*' on his head causing head injury.

4. Learned counsel appearing on behalf of the petitioners submitted that due to previous enmity, pending Title Partition Suit No.5 of 2015, an FIR lodged against the petitioner no.3 being Samastipur Muffassil P.S.Case No.03 of 2024, there is case and counter case between them in respect of the said incidence and the petitioners have been dragged on the frivolous allegations, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR, in paragraph no.10 of the petition, the petitioners have stated that there is land dispute between them and for claiming their respective share, they entered into fierce fight and in course of the same, the petitioners in their self-defence may have caused some injury on the body of the informant without intention, both the parties are own family members and petitioner no.3 is widow, the petitioners are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur/concerned court in connection with Samastipur (Muffassil) P.S.Case No.544 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph No.3 of the bail application, this order shall automatically lose its force.

(Purnendu Singh, J)

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