

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46849 of 2024

Arising Out of PS. Case No.-396 Year-2023 Thana- KARJA District- Muzaffarpur

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Dinbandhu Ray @ Dinbandhu Rai S/o Dhari Rai R/o vill - Jiyan Khurd, P.s. -
Karja, District - Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Kumari, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Karja P.S. Case No. 396 of 2023 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504 and 506 / 34 of the IPC.

3. The prosecution case in brief in that on 16.11.2023, when the informant returned after driving his auto and went to the spot where he generally used to park his auto, he found that bundle of Puwal was kept at that spot. He inquired about the Puwal from co-accused Om Prakash and requested him to remove it. However, Om Prakash started abusing him and when the informant protested, then co-accused persons, namely, Om Prakash Kumar, Basant Kumar, Akash Kumar, Dinbandhu Rai, Manju Devi attacked him with various arms. Basant Kumar hit



the informant's forehead with a knife due to which he sustained a cut wound. Surendra Sah came to his rescue then Om Prakash Kumar hit him on his head with a knife due to which Surendra Sah also sustained a cut wound and became unconscious. When the informant's wife and mother came to their rescue then Akash Kumar pushed the informant's wife and snatched Mangalsutra from her and Dinbandhu Rai and Manju Devi pushed the informant's mother and snatched Mangalsutra and ring from her. Om Prakash snatched Rs. 2,000/- from the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent, committed no offence and has falsely been implicated in this case. He further submits that occurrence took place due to path dispute between both the parties. Petitioner has got no criminal antecedent as stated in paragraph 3 of the application.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. On perusal of the FIR, injury report and impugned order dated 21.05.2024, it appears that on the basis of written report of the informant FIR was registered against five accused persons including the present petitioner and no such allegation is made out against the present petitioner for causing injury by



knife or any weapons. Nothing has been recovered from the conscious possession of the petitioner.

7. Considering the facts and circumstances of the case, as well as the submissions made by the parties, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Karja @ Karza P.S. Case No. 396 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Ramesh Chand Malviya, J)

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