

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53845 of 2024

Arising Out of PS. Case No.-582 Year-2022 Thana- DARIYAPUR District- Saran

1. Ram Naresh Rai Son Of Janki Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran
2. Rajnath Rai Son Of Janki Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran
3. Manager Rai Son Of Late Banarsi Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran
4. Surendra Rai Son Of Late Parma Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran
5. Sonu Rai @ Sonu Kumar Son Of Manager Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran
6. Prabhu Rai @ Prabhu Kumar Yadav Son Of Janki Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran
7. Pappu Rai Son Of Rajnath Rai Village- Chaklal, Ps- Dariyapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Singh
For the Opposite Party/s :	Mr.Ram Bilash Roy Raman
	Mr. Udai Shankar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-08-2024 **1.** Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the Informant.
- 2.** The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 447, 448, 379, 307 of the Indian Penal Code and Section 27 of the Arms Act.
- 3.** Learned counsel for the petitioners submits that the



petitioner No. 6 has antecedent of one case and rest of the petitioners are persons with clean antecedent and the informant alleges that on account of dispute relating to land, Prabhu came and abused and pushed him, thereafter all the accused persons came and on orders of Prabhu, accused Sarita assaulted her daughter-in-law (Saraswati) by *daab* causing injury on head, thereafter Manager (petitioner No. 3) assaulted Neetu with *farsa* causing injury on head, next it is alleged that accused Kedar assaulted Munna by *farsa* causing injury on head and Sona Devi snatched chain of Saraswati Devi, further Shatrudhan and Surendra with *grasa* and iron rod assaulted Police Rai causing injury on head, further Pappu Rai ran over the tractor over the foot of Doman.

4. The learned counsel appearing on behalf of the petitioners submits that on account dispute relating to land, an altercation took place in between the side of the petitioners and the informant side on account of which a free fight ensued in which both sides assaulted each other causing injury. It is also submitted that from the side of the petitioners also, several persons received injuries for which Dhariyapur PS Case No. 587 of 2022 was instituted by the side of the petitioners against the informant side. It is next submitted that no doubt injury has been



caused to the injured, but then from perusal of the allegation, it would manifest that same does not even remotely suggest that the blow was repeated. It is also submitted that injuries are simple in nature.

5. Learned APP and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners. Learned counsel appearing on behalf of the OP No. 2 does not dispute the fact that Dhariyapur PS Case No. 587 of 2022 has been instituted from the side of the petitioners against the informant and his side, but then submits that though it has been submitted that injury suffered by the injured is simple in nature, but injury report of the injured is not on record.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dariyapur P.S. Case No. 582 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. However, the learned trial court shall verify the injury report of Saraswati, Neetu, Munna, Police Rai and Doman and in the event if it is found that the injury of the injured is grievous in nature, in that event, the petitioner who is alleged to have assaulted the injured who received grievous injury with respect to the said petitioner the anticipatory bail order shall not be given effect to, but if the injury is simple, in that event, the bail bond of the petitioners shall be accepted forthwith.

(Satyavrat Verma, J)

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