

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54291 of 2024**

Arising Out of PS. Case No.-303 Year-2023 Thana- KALYANPUR District- Samastipur

1. Rahul Kumar S/o Vijay Ray R/o vill - Madhuban, P.S. - Kalyanpur, Distt - Samastipur
2. Nabeen Kumar @ Naveen Ray @ Navin Kumar @ Navin Ray S/o Vijay Ray R/o vill - Madhuban, P.S. - Kalyanpur, Distt - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      09-08-2024                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have earlier moved before this Court with a prayer for anticipatory bail which was dismissed vide order dated 19.04.2024 passed in Cr. Misc. No. 12660 of 2024.

3. The petitioners seek bail in connection with Kalyanpur P.S. Case No. 303 of 2023 instituted for the offences under Sections 147, 149, 341, 323, 324, 307, 379, 427, 504, 506 of the Indian Penal Code.

4. As per prosecution case, the Informant was assaulted by the accused persons including the petitioners by various means. It is alleged that the petitioner no.1 has assaulted



the Informant by means of iron rod whereas petitioner no.2 has assaulted by means of *Garasa*.

5. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence as alleged against them and have falsely been implicated in the present case. There is an admitted land dispute between the parties and they are *Gotiya* in which the Informant has filed a partition suit against the petitioner being Partition Suit No. 81 of 2019. It is further alleged that in the present case, Section 307 of the I.P.C. is not applicable as the Informant has not sustained any serious injury nor there is a case of repeated blow on him. The petitioners have one criminal antecedent in which they are on bail and are languishing in judicial custody since 29.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case against the petitioners under Sections 147, 149, 341, 323, 324, 307, 427, 504 & 506 of the I.P.C.

6. Learned counsel for the petitioners again submits that the co-accused namely Pawan Ray has been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 14035 of 2024.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the



petitioners, stating that the offence alleged is serious in nature and there is direct allegation of assault against the petitioners.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 303 of 2023.

**(Rudra Prakash Mishra, J)**

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