

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58084 of 2024

Arising Out of PS. Case No.-356 Year-2020 Thana- GORAUL District- Vaishali

1. Ramchandra Ray, Male, Aged about 79 years, Son of Late Devraj Rai,
2. Santosh Kumar @ Santosh Ray, Male, Aged about 40 years, Son Of Ramchandra Ray
3. Ramsurat Kumar @ Ramsurat Ray, Male, Aged about 40 years, Son Of Late Sivchandra Rai @ Late Shivan Rai
All Resident of Village - Rusulpur Inayat @ Babhantoli, Bhagwanpur, P.S. - Goraul, District - Vaishali, Bihar, Pin Code - 844114

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Mr. Rohit Mishra, learned counsel appearing on behalf of the petitioners and Ms. Suman Kumari Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Goraul P.S. Case No. 356 of 2020, registered for the offence punishable under Sections 341, 323, 354 and 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons including the petitioners had assaulted the informant and her daughter-in-law. Specific allegation is against petitioner no. 2, namely, Santosh Kumar @ Santosh Ray, that he



has assaulted the informant and his daughter-in-law by means of handle of the hand pump and torn the cloth of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. He further submits that informant and petitioners are agnates and of the same family member and in this regard, he has stated in paragraph no. 7 of the bail application that petitioner no. 1 is elder brother of the husband of the informant (*Bhaisur*) and petitioners no. 2 and 3 are nephew of the husband of the informant (aunt and nephew). There is ongoing land dispute between the parties. He further submitted that for settling the dispute, altercation took place and in the said course, a false allegation of misbehaving and causing hurt to the informant has been alleged against the petitioners. On these grounds, 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.

6. Having considered the rival submissions made on behalf of the parties, as well as, from perusal of the FIR, it appears that the petitioner no. 2 had assaulted the informant and outraged her modesty, I am not inclined to enlarge the petitioner



no. 2, namely, Santosh Kumar @ Santosh Ray, on pre-arrest bail.

7. However, considering the general and omnibus allegation against the petitioners no. 1 and 3, the petitioners no. 1 and 3, namely, Ramchandra Ray and Ramsurat Kumar @ Ramsurat Ray respectively, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Vaishali at Hajipur, in connection with Goraul P.S. Case No. 356 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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