

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58821 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- DUMRA District- Sitamarhi

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1. Pawan Kumar, Son Of Saukhi Rai @ Ram Naresh Ray Village- Gopnathpur, PS- Dumra, Dist- Sitamarhi
 2. Sonelal Rai Son Of Late Nathuni Ray Village- Gopnathpur, Ps- Dumra, Dist- Sitamarhi
 3. Saukhi Rai @ Ram Naresh Ray Son Of Late Rajendra Ray Village- Gopnathpur, Ps- Dumra, Dist- Sitamarhi
 4. Ram Suhag Rai @ Ram Sohag Rai Son Of Late Mangal Ray Village- Gopnathpur, Ps- Dumra, Dist- Sitamarhi
 5. Ram Rekha Rai Son Of Late Mangal Ray Village- Gopnathpur, Ps- Dumra, Dist- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul Mr. Pushpendra Kumar Singh Ms. Divya Bharti
For the Opposite Party/s	:	Mr. Binod Kumar Mr. Ajay Kumar Singh No.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-09-2024 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits



that the petitioners have antecedent of one case and the informant alleges that accused persons including the petitioners came on 02.05.2024 at 9.35 A.M., when the informant along with others were cutting bamboo in his bamboo clump, when petitioners along with other named accused persons and 25-30 unknown male and female accused came and started assaulting the informant and others with sharp weapons viz. *lathi* and *danda*. Thereafter, it is alleged that accused Bhishm Prasad and Dilip Rai pressed his neck by a towel and on alarm, villagers came for their rescue, who were also assaulted by the accused persons by lathi, danda, and accused persons also snatched two mobiles and a golden chain.

4. The learned counsel for the petitioners submits that no doubt, an occurrence had taken place, but then, there was an altercation on account of dispute relating to land in which both sides assaulted each other. It is further submitted that it does not appear probable that so many accused would have descended on the land of the informant where he claims to have been cutting the bamboo and the occurrence of the nature as alleged took place. It is next submitted that



there is no specific allegation of assault against any of the accused persons including the petitioners though Bhism along with Dilip are alleged to have pressed the neck of the informant with towel, but then, the said allegation is ornamental. It is also submitted that persons from the side of the petitioners were also injured.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the allegation of assault is not specific rather is general and omnibus in nature and more than 50 persons have been made accused in the case. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P. S. Case No.194 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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