

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60245 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- EKMA District- Saran

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1. Harendra Kumar Rai @ Harendra Rai S/O Ram Udar Rai
 2. Vikash Kumar Rai S/O Harendra Kumar Rai @ Harendra Rai
- Both Resident Of Village Bedupur Police Station Ekma District Saran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Anjani Parashar, Advocate
For the Opposite Party/s :		Ms. Pushpa Sinha, APP
		Mr. Rabindra Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 27-09-2024 1. Heard learned Senior Counsel for the petitioners, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the IPC in connection with Ekma P.S. Case No.185 of 2024.

3. The learned Senior Counsel for the petitioner submits that petitioners are person with clean antecedent and the



informant alleges that on 19.05.2024 he was carrying out repair works of the roof of his shed along with his worker when the petitioners came variously armed and started assaulting the labourers working on the roof, and thereafter, also assaulted the informant his brother and his wife and also disrobed the wife of the informant and took her earrings.

4. The learned Senior Counsel submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to boundary. It is next submitted no doubt allegation is of assault, but then the nature of injury suffered by the injured is simple in nature though is on vital part of the body and one injury of the injured is grievous but then that is on non-vital part of the body i.e. hand which amply demonstrates that petitioners never had any intention of committing a serious occurrence. It is also submitted that on account of dispute relating to boundary an altercation had taken place in which both side had assaulted each other. It is next submitted that from side of the petitioners even Ekma P.S. Case No.186 of 2024 was instituted against the informant and his side. It is further submitted that even persons from the side of the petitioners were also injured.

5. The learned Senior Counsel at the cost of repetition



submits no doubt on account of altercation relating to dispute of boundary and altercation took place in which both side assaulted each other and from the side of the informant four persons are alleged to have been assaulted, but then the injuries suffered by them is simple in nature and the blow was not repeated except one injury which is on non-vital part of the body. It is also submitted that petitioners are not criminals.

6. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned Senior Counsel for the petitioners that the injury suffered by the injured is simple in nature and one injury suffered by one of the injured is grievous, but then that is not on vital part of the body.

7. Considering the submissions made by the learned Senior Counsel for the petitioners and the fact that petitioners are not criminal, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Saran at Chhapra in



connection with Ekma P.S. Case No.185 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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