

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60877 of 2024

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

Dilip Rai, Son of Ramanand Rai Resident of Village - Gopnathpur, P.S.-
Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
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 petitioner submits that
the petitioner has antecedent of five cases, but then, out of five
cases, three cases came to instituted by the informant and his
side and the informant alleges that accused persons including
the petitioner came on 02.05.2024 at 9.35 A.M., when the
informant along with others were cutting bamboo in his bamboo
clump, when petitioner 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 petitioner 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 petitioner 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 petitioner though Bhism along with petitioner 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 petitioner 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 petitioner 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 petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his 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 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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