

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63981 of 2024

Arising Out of PS. Case No.-60 Year-2024 Thana- CHACKMEHSI District- Samastipur

1. Ramratan Ray Son of Late Sita Ram Ray Resident of Village -Srinath Bharju, P.S. - Chakmaheshi, District- Samastipur
2. Ajay Ray @ Ajay Kumar Son of Ramratan Ray Resident of Village -Srinath Bharju, P.S. - Chakmaheshi, District- Samastipur
3. Sanjeet Ray Son of Ramratan Ray Resident of Village -Srinath Bharju, P.S. - Chakmaheshi, District- Samastipur
4. Gorakh Ray @ Gorakh Kumar Son of Ramratan Ray Resident of Village -Srinath Bharju, P.S. - Chakmaheshi, District- Samastipur
5. Gopal Rai Son of Ramratan Ray Resident of Village -Srinath Bharju, P.S. - Chakmaheshi, District- Samastipur

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Advocate
For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-12-2024 1. Heard Mr. Sarvan Kumar, learned counsel for the petitioners and Mr. Suresh Prasad Singh, learned APP for the State.

2. The petitioner no. 1 (Ramratan Ray) has been arrested and his application has been dismissed as withdrawn vide order dated 01.10.2024 and the rest petitioners apprehend their arrest in connection with Chakmaheshi P.S. Case No. 60 of 2024 dated 15.04.2024 registered for the offence(s) punishable under Section(s) 341, 323, 324, 307, 447, 379, 504 read with Section 34 of the Indian Penal Code.

3. The main submissions advanced by the learned



counsel appearing for the petitioners are that the FIR itself goes to show that there was a land dispute in between both the parties at the relevant time of the alleged occurrence, there is case and counter case in between both the parties, the fardbeyan of the informant was recorded three days after the commission of the alleged occurrence and the FIR was registered on 15.04.2024. It is further submitted that in the instant matter two persons Amit Kumar and Sumit Kumar are said to have sustained injuries in the alleged occurrence and both sustained simple injuries as per medical opinion and the petitioners have got fair and clean antecedent.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Heard both the sides and perused the FIR, injury reports of the injured persons and the case diary. As per allegation the petitioner no. 4 Gorakh Ray @ Gorakh Kumar inflicted a farsa blow at the head of the informant which gets corroboration from the injury report of the informant, as an incised wound over the temple (head portion) of the said injured was found so considering this aspect as well as nature of allegation appearing against the **petitioner no. 4 Gorakh Ray @ Gorakh Kumar**, this court is not inclined to grant the



relief of anticipatory bail to him. **Accordingly, his prayer stands rejected.**

6. So far as the prayer of petitioner nos. 2 (Ajay Ray @ Ajay Kumar), petitioner no. 3 (Sanjeet Ray) and petitioner no. 5 (Gopal Rai) is concerned as among them the petitioner no. 2 (Ajay Ray) is alleged to have assaulted the informant's younger brother namely Sumit whose injury report shows that he sustained simple injury and the prosecution has not brought the injury report of the informant's father who is said to have been assaulted by the accused persons including the petitioners, so, considering this aspect as well as nature of allegation appearing against the petitioner nos.3 (Sanjeet Ray) and petitioner no. 5 (Gopal Rai), this court is inclined to grant the relief of anticipatory bail to them. Accordingly, let the **petitioner nos. 2 (Ajay Ray @ Ajay Kumar), petitioner no. 3 (Sanjeet Ray) and petitioner no. 5 (Gopal Rai)**, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, **be released on anticipatory bail in connection with Chakmaheshi P.S. Case No. 60 of 2024** on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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