

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62486 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Raj Kishore Rai @ Raj Kishor Ray, aged about-46 years (Male) S/O Kamlu Daha
2. Ritesh Kumar, aged about-20 years (Male), S/O Raj Kishore Rai @ Raj Kishor Ray
Both are resident of Village- Chakdaud, P.S.- Sahpur Patori, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-02-2024 Heard Mr. Rajeev Ranjan, learned counsel
appearing on behalf of the petitioners and Mr. Ajit Kumar,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sahpur Patori P.S. Case No. 362 of 2022 registered for the offence punishable under Sections 447, 341, 342, 323, 324, 307, 354, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, due to land dispute, especially with respect to the cattle shed, the petitioners and the informant side were engaged in fierce fight and both the parties had sustained injury.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners have been implicated in a false case. Admittedly, the dispute relates to cattle shed and both the parties were engaged in fierce fight and in self defence, the petitioners may have caused injury on the person of the informant and his brother without intention. Admittedly, the dispute is civil in nature. Petitioners have clean antecedent. 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. Considering the nature of allegation made in the FIR, as well as, the fact that the dispute relates to cattle shed and both the parties were engaged in fierce fight and in self defence, the petitioners may have caused injury on the person of the informant and his brother without intention. Admittedly, the dispute is civil in nature. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, 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 J.M. 1st Class, Samastipur, in connection with Sahpur Patori P.S. Case No. 362 of 2022, 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)

Niraj/-

U		T	
---	--	---	--

