

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70023 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- SIDHWALIYA District- Gopalganj

1. Parash Rai @ Parash Ray, son of Late Harihar Rai, Resident of Village- Buchiya Kali Tola, P.S.- Sidhwaliya, Dist- Gopalganj
2. Santosh Rai @ Santosh Ray, Son of Rama Rai, Resident of Village- Buchiya Kali Tola, P.S.- Sidhwaliya, Dist- Gopalganj
3. Bipin Rai @ Bipin Kumar, Son of Parash Rai @ Parash Ray, Resident of Village- Buchiya Kali Tola, P.S.- Sidhwaliya, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. Adesh Raj Singh, learned Advocate for the
petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Sidhwaliya P.S. Case No. 224 of 2024 registered for the offences punishable under Sections 329(3), 126(2), 115(2), 118(1), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. Based upon the written report, the prosecution alleged that all the F.I.R. named accused persons, including the petitioners, armed with various weapons in order to capture the land of the informant, came there and started assaulting the



informant and others. It is specifically alleged that petitioner no.1 assaulted the elder brother of the informant by means of *Farsa*, due to which he sustained serious injury. The allegation against petitioner nos. 2 and 3 that they caught hold the informant and co-accused Vijay Rai assaulted him by means of *Farsa*.

4. Learned Advocate for the petitioners contended that on account of land dispute, both the parties have entered into free fight, resulting into injuries to the persons of both the sides. There is counter version of the present case, being Sidhwaliya P.S. Case No. 224 of 2024, instituted by co-accused Vijay Rai. It is next contended that there is omnibus allegation against the petitioners, but only in order to put pressure upon the entire family members specific allegation has been levelled against petitioner no.1, who is *Karta* of the family. It is next contended that be that as it may, the petitioners are men of fair antecedent and now they have been incarcerated since 08.08.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that on account of *Farsa* blow, attributed to petitioner no.1, the elder brother of the informant has sustained grievous injury, as is evident from Annexure-P/3 Series.



6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against petitioner nos. 2 and 3, coupled with their fair antecedent, let the **petitioner nos. 2 and 3**, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Goptalganj in connection with Sidhwaliya P.S. Case No. 224 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

7. So far petitioner no.1, namely, Parash Rai @ Parash Ray,. is concerned, specific allegation has been levelled against



him that he assaulted the elder brother of the informant by means of *Farsa*, due to which he sustained serious injury, this Court is not persuaded to enlarge the petitioner no.1 on bail. Accordingly, the prayer for grant of bail to petitioner no.1 is rejected.

8. However, the petitioner no.1 shall be at liberty to renew his prayer for bail after three months or in case charge is framed, whichever is earlier.

(Harish Kumar, J)

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