

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77568 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- KARJA District- Muzaffarpur

1. Mithilesh Kumar @ Mithilesh Rai @ Mithilesh Ray Son of Rajdev Ray Residant of village- Jhakhara Shekh, P.S.- Karza, Dist.- Muzaffarpur.
2. Vishwanath Rai @ Vishvnath Ray Son of Rajdev Ray Residant of village- Jhakhara Shekh, P.S.- Karza, Dist.- Muzaffarpur.
3. Shivnath Rai @ Shivnath Ray Son of Rajdev Ray Residant of village- Jhakhara Shekh, P.S.- Karza, Dist.- Muzaffarpur.
4. Sahindra Rai @ Sahindra Ray Son of Asimuni Ray Residant of village- Jhakhara Shekh, P.S.- Karza, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 324, 307, 354, 379, 427, 504, 506 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons including the petitioners are said to have abused and assaulted the informant's side brutally by means of deadly weapons due to which they have sustained injuries.



4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. The instant case has been filed by exaggerating the facts due to prevailing land dispute. There is case and counter case between the parties. Both sides have sustained injuries in the alleged occurrence. It is further submitted that nothing specific has been attributed against the petitioners. Though as per FIR, there is specific allegation against petitioner no.1 to give sword blow on the head of the informant, but the injury report of the injured does not support the prosecution case. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against petitioner no.1 to give sword blow on the informant's head causing him grievous injury. Hence, petitioner no.1 does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the



case, since both sides have sustained injuries and there is case and counter between the parties, let the above named petitioner nos. 2, 3 & 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 the learned lower Court where the case is pending/successor Court in connection with Karja P.S. Case No.112 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, petitioner no.1 is an author of grievous injury, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of petitioner no.1 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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