

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77384 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- KHANPURA District- Samastipur

1. Chandan Kumar Son of Naval Kishore Rai @ Naval Kishor Ray R/o vill - Simri Chandrasen, ward no. 07, P.S. - Khanpur, Distt. - Samastipur
2. Naval Kishore Rai @ Naval Kishor Ray Son of Late Pheku Ray R/o vill - Simri Chandrasen, ward no. 07, P.S. - Khanpur, Distt. - 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. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Khanpur P.S. Case No. 200 of 2023, registered for the alleged offence under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons, who were armed with *lathi*, *danda* and *farsa*, abused and assaulted the informant and her family members, causing a number of injuries to them. The petitioner no. 1 decamped with ornaments and cash from the house of the informant.

04. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. Prior to the present case wife of petitioner no. 2 filed Complaint Case No. 1278 of 2023 against the husband of the informant under Section 323, 354(B), 379, 427, 447, 504 and 506 of the IPC and the petitioners are witnesses in the said complaint case. Learned counsel further submits that the land dispute is admitted in the FIR itself and the present case has been lodged against the petitioner due to the said land dispute. The petitioners have got no criminal history. Co-accused Mukesh Rai has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 18.10.2023 passed in Criminal Misc. No. 66491 of 2023.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioners assaulted the husband and brother-in-law of the informant and there is corresponding injuries on their heads. The injury of husband of the informant is said to be grievous.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier case lodged by the wife of petitioner no.2 and further considering the absence of repetition of blow and also considering the clean antecedent of the petitioners and grant of anticipatory bail to co-accused, let the petitioners above named, in the even of



their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Samastipur/concerned court in connection with Khanpur P.S. Case No. 200 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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