

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83592 of 2024

Arising Out of PS. Case No.-317 Year-2024 Thana- GARKHA District- Saran

- 1. Dinesh Ray Son of Ram Laxman Ray Resident of Village- Jilkabad Mathiya, PS- Garkha, District -Saran
- 2. Fulena Ray Son of Ram Laxman Ray Resident of Village- Jilkabad Mathiya, PS- Garkha, District -Saran
- 3. Anita Devi Wife of Fulena Ray Resident of Village- Jilkabad Mathiya, PS- Garkha, District -Saran
- 4. Mritunjay Kumar Son of Dinesh Ray Resident of Village- Jilkabad Mathiya, PS- Garkha, District -Saran
- 5. Rakesh Ray Son of Dinesh Ray Resident of Village- Jilkabad Mathiya, PS- Garkha, District -Saran
- 6. Vikash Kumar @ Vikash Ray Son of Dinesh Ray Resident of Village- Jilkabad Mathiya, PS- Garkha, District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2024 Heard Mr. Anjani Parashar, learned counsel for the

petitioners and Mr. Binod Kumar No.3, learned APP for the

State.

2. The petitioners apprehend their arrest in connection
with Garkha P.S. Case No. 317 of 2024 dated 02.06.2024
registered for the offences punishable under Sections 147, 341,
323, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, the allegation against
the petitioners is that they alongwith other co-accused persons
said to have assaulted the informant and others by means of



several weapons due to the land dispute.

4. The main submissions advanced by learned counsel for the petitioners are that there is a case and counter case in between both the parties, the petitioners have fair and clean antecedent, in the F.I.R., there is no specific allegation against the petitioners Nos. 2, 3 and 5 though, there is specific allegation against the rest of the petitioners but the injuries found on the person of the injured are not corroborating the allegations with regard to the nature of the weapons which were allegedly used by the said petitioners in assaulting the injured persons. It is further submitted that the petitioner No. 1, namely, Dinesh Ray is alleged to have assaulted the injured Amit Ray but he sustained one simple injury on scalp which was opined to be caused by hard and blunt object while the said petitioner is alleged to have assaulted the injured by means of *farsa*. It is further submitted that in the alleged occurrence which relates to a free fight, the petitioners Dinesh Ray, Vikash Kumar, Mritunjay Kumar and co-accused Vipul Kumar and Raj Kumar sustained grievous injuries.

5. Learned APP for the State has opposed the bail prayer of all the petitioners.

6. Having considered the specific allegation appearing



against the petitioner Nos. 4 and 6, this Court is not inclined to give them the relief of anticipatory bail, accordingly, their prayer stands rejected.

7. So far as the prayer of other petitioners, namely, Dinesh Ray, Fulena Ray, Anita Devi and Rakesh Ray is concerned as against the petitioners Nos. 2, 3 and 5, there is no any specific allegation and the petitioner No. 1 is alleged to have assaulted one namely, Amit Kumar who sustained simple injury and he has got no criminal antecedent. Hence, in view of these facts, the prayer of the said petitioners stands allowed.

8. Accordingly, let the petitioners Nos. 1, 2, 3 and 5 named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Garkha P.S. Case No. 317 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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