

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83588 of 2024

Arising Out of PS. Case No.-435 Year-2024 Thana- MADHAURAH District- Saran

1. Lallan Ray, son of Late Bhardul Ray, R/O Village - Awari , P.S. - Marhowrah, District - saran
2. Vikash Kumar, son of Lallan Ray, R/O Village - Awari , P.S. - Marhowrah, District - saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 84689 of 2024

Arising Out of PS. Case No.-435 Year-2024 Thana- MADHAURAH District- Saran

1. Chinta Devi Wife of Lallan Ray, Resident of Village - Awari, P.S.- Marhowrah, District - Saran
2. Rima Kumari @ Rinki Kumari @ Rinki Devi, Daughter of Lallan Ray, Resident of Village - Awari, P.S.- Marhowrah, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 83588 of 2024)

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

(In CRIMINAL MISCELLANEOUS No. 84689 of 2024)

For the Petitioner/s : Mr. Ravi Prakash, Adv.

Mr. Gagan Deo Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2024 As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being decided together by a common order.

2. Heard Mr. Ravi Prakash, learned counsel appearing for the petitioners and Mr. Pawan Kumar Chaurasia and Mr.



Binod Kumar No. 3, learned APPs appearing for the State.

3. The petitioners apprehend their arrest in connection with Marhowrah P.S. Case No. 435/2024 dated 28.07.2024 registered for the offences punishable under Sections 115(2), 118(1), 109, 352, 351(2), 303(2), 3(5) and 126(2) of the Bharatiya Nyaya Sanhita (in short 'BNS').

4. The main submissions advanced by learned counsel appearing for the petitioners are that all the petitioners have fair and clean antecedent, the FIR itself shows that the alleged occurrence was not pre-planned and the same happened in spur of the moment due to a land dispute and an incident of free fight took place in between both the parties and the petitioners, namely, Vikash Kumar and Chinta Devi also sustained injuries in that occurrence and their injury reports' copies have been filed with this petition as Annexure- '4'. It is further submitted that the injuries found on the person of the informant and his son have been opined to be lacerated wound which show that no sharp edged weapons were used in assaulting them which falsifies the allegation as to assaulting them by using Dab, Farsa and Kudal.

5. Learned APPs have opposed the bail prayer of the petitioners and submit that the informant and his son sustained serious injuries and the final opinion with regard to their injuries



have not been given.

6. Considering the facts and circumstances of this case as well as above submissions and mainly the facts that the instant matter relates to a free fight and both the parties are agnates and in between them, there was a land dispute at the relevant time of the occurrence and as per the FIR, the alleged occurrence does not appear to have been committed in a planned manner rather the same appears to have taken place in spur of the moment and all the petitioners have fair and clean antecedent, in my opinion, it is a fit case for grant of anticipatory bail to the petitioners. Accordingly, let the petitioners 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 Marhowrah P.S. Case No. 435/2024, subject to the conditions as laid down under Section 484(2) of the B.N.S.S.

(Shailendra Singh, J)

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