

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86235 of 2023

Arising Out of PS. Case No.-256 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. Arun Ray S/o Rajindra Ray Village- Bajitpur Meyari, Ward No. 13, PS. Sarai Ranjan, Dist. Samastipur, Bihar, India.
2. Raja Kumar Ray @ Raja Kumar S/o Umesh Ray Village- Bajitpur Meyari, Ward No. 13, PS. Sarai Ranjan, Dist. Samastipur, Bihar, India.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Learned counsel for the petitioners seeks permission to make correction in paragraph '1' and the typed copy of the injury reports.

2. Permission is granted.

3. Heard learned counsel for the petitioners and learned A.P.P. for the State.

4. The petitioners in the present case are seeking pre-arrest bail in connection with Sarai Ranjan P.S. Case No. 256 of 2023 registered for the offences punishable under Sections 341, 342, 323, 324, 235, 307, 354, 427, 504 and 34 of the Indian Penal Code. They have got no criminal antecedent.

5. As per the prosecution story, on 08.09.2023 all the

F.I.R. named accused persons including the petitioners came at the door of the informant and started abusing and assaulting her and when her family members came to her rescue, they were also assaulted. Petitioner no.2 is alleged to have cut the finger of the informant's daughter by a *garasa*, petitioner no.1 assaulted the informant on her head by a rod due to which she started bleeding and all the accused persons assaulted the family members of the informant by various means. It is further alleged that the accused persons also snatched a gold chain from informant's daughter-in-law and Rs. 50,000/- from informant's son.

6. Learned counsel for the petitioners submits that both the parties are co-villagers and five days before the alleged occurrence, there was a quarrel between the parties on a petty issue. The wife of petitioner no.1 was tortured saying that she was a *dian* (witch) and the household articles were looted away for which a case being Sarairanjan P.S. Case No. 266 of 2023 has been registered.

7. Learned counsel for the petitioners submits that from the injury reports of the informant as well as her daughter Tinku Kumari it would appear that they have suffered only one injury each which has been found to be simple in nature. There

is no repetition of blow and the allegations being general and omnibus, the other accused persons have already been granted privilege of anticipatory bail by the learned court below.

8. Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioners but having considered the facts and circumstances of the case, the nature of dispute, the circumstances under which the alleged occurrence is said to have taken place and the fact that the only injury found on the body of the informant and her daughter is said to be simple in nature, the petitioners being co-villagers of the informant, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Sarai Ranjan P.S. Case No. 256 of 2023 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 learned A.C.J.M.-III, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for

cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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