

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4864 of 2025

Arising Out of PS. Case No.-147 Year-2024 Thana- CHACKMEHSI District- Samastipur

Ram Bali Ray, (Male), aged about 55 years, S/o Late Ram Avtar Ray @
Ramawtar Ray, R/o Village- Namapur Khairi, P.S.- Chakmehsi and District-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chakmehsi P.S. Case No. 147 of 2024 dated 19.09.2024
registered for the offences punishable under Sections 126(2),
127(2), 115(2), 118(1), 103(1), 352, 351(3) read with Section
3(5) of B.N.S., 2023.

3. As per the prosecution case, the informant had given
money to one Anil Rai for purchasing land from him since 20-
25 years ago and Anil Rai had given possession of land to him
but he did not execute the sale deed by saying him to execute
the same after some time. It is further alleged that after
sometime, Anil Rai, executed the sale deed of his possessed land



in favour of the co-accused Nirmal Rai and when the informant demanded his money from Anil Rai then he replied that the co-accused Nirmal Rai will pay money to him and when the informant demanded money from the co-accused Nirmal Rai then he replied that Anil Rai will pay money to him and in course of it, on 18.09.2024 at about 2.00 P.M., the petitioner and the co-accused persons came to the possessed land of the informant with lathi, rod, danda and started uttered filthy language to him and they attack on the family members of the informant and in course of it, they brutally assaulted the informant's son causing injury on his head and after receiving injury he fell down on the ground. They also assaulted the rest persons present there, but anyhow, they could save their lives and when the nearby people assembled there then they fled away from there after giving threatening. It is further alleged that the informant's son was brought to P.H.C., Kalyanpur, for his treatment and from where he was referred to Sadar Hospital, Samastipur, for his treatment and in course of treatment, the son of the informant had died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is land dispute



between the parties. There is general and omnibus allegation against the petitioner and other co-accused persons. The real fact is that the co-accused Nirmal Rai who is the brother of the petitioner had purchased a piece of land from Anil Rai but on the said land, the informant illegally claimed that he had paid amount to Anil Rai for purchasing the said land and forcibly wanted to capture the same for which scuffle took place between the parties in which the informant's son fell down on the P.C.C. Road, due to which, he received severe injury on his head and later on he died. The petitioner has no concern with the alleged offence. The dispute is between the informant and the co-accused Nirmal Rai. The petitioner has been dragged in the present case because he happens to be the brother of the said co-accused Nirmal Rai. The police in a mechanical manner submitted charge sheet against the petitioner. It is further submitted that the petitioner is only an order giver and there is no specific allegation against him. No incriminating article has been recovered from his possession. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 26.09.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail



petition of the petitioner. Learned counsel for the informant has further submitted that on the order of Rambali Rai (petitioner), the other co-accused persons brutally assaulted the informant's son with rod and danda on his head, due to which, he died.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class-cum-Additional Munsif, Samastipur in connection with Chakmehsi P.S. Case No. 147 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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