

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6993 of 2025

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

Nirmal Ray, (Male), aged about 45 years, S/O Ram Avtar Ray @ Late Ramawatar Ray, Resident of Village- Namapur Khairi, Police Station- Chakmehsi, and District- Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Informant	:	Mr. Ghanshyam Rai, Advocate
For the Opposite Party	:	Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-04-2025 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 about 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 Nirmal Rai (petitioner) and when the informant demanded his money from Anil Rai then he replied that Nirmal Rai (petitioner) would pay money to him and when the informant demanded money from Nirmal Rai (petitioner) then he replied that Anil Rai would 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 abusing him and they attacked 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 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 even in the re-statement of the informant as well as in the statement of his daughter, wife and his brother as recorded in paragraph nos. 5, 6, 7 and 8 of the case diary and they have not stated that the petitioner assaulted on the head of the deceased. It is further submitted that in the re-statement of the informant recorded in paragraph no. 86 of the case diary, it appears that there is general and omnibus allegation against the petitioner and other accused persons. The real fact is that 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 been dragged in this case only on the basis that with him the informant has grude and enmity with respect to possession of a piece of land and the informant after thought the entire family members of the petitioner was made accused. The petitioner has no concern with the alleged offence. The police in a mechanical manner submitted charge sheet against



the petitioner. No incriminating article has been recovered from his possession. The other co-accused person, Ram Bali Ray, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 4864 of 2025 under order dated 27.02.2025. 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 the petitioner and other co-accused persons have brutally assaulted the informant's son with rod and danda on his head, due to which, he died. He further submits that in paragraph no. 116 of the case diary, the witness, Prashant Kumar, has supported the prosecution case.

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 with



further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

