

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13955 of 2025

Arising Out of PS. Case No.-350 Year-2024 Thana- BIBHUTIPUR District- Samastipur

1. Ram Japit Ray @ Ram Jappit Ray S/O Late Ram Lakhan Ray @ Late Chaitu Ray Resident of village- Kalyanpur Uttar, P.S.- Bibhutipur, District- Samastipur
2. Nawal Kumar @ Nawal Kumar Ray S/O Late Ramdeo Ray @ Late Rama Ray Resident of village- Kalyanpur Uttar, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr.Adv
For the Opposite Party/s :	Mr.Mithlesh Kumar Khare, APP
For the Informant	Mr. Archana Jha, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-07-2025 Heard Mr. N.K. Agrawal learned senior counsel for the petitioner and learned counsel for the Informant and learned APP for the State.

2. At the very outset, learned senior counsel for the petitioner prays for withdrawal of the bail application of petitioner no. 2, Nawal Kumar @ Nawal Kumar Ray.

3. Permission is accorded, with the aforesaid liberty to the petitioner to approach the learned court below for grant of regular bail which would be considered on its own merits preferably on the same day without being prejudiced by this withdrawal order.



4. The application now only survives against the petitioner no. 1.

5. The Petitioner apprehends his arrest in a case registered for the offences punishable under sections 341, 323, 379, 354, 308, 324, 325, 504, 506 of the Indian Penal Code.

6. The allegation against all the accused persons including the petitioner no. 1 is that they came variously armed and assaulted the informant and other persons by means of iron rod, Khanti and lathi etc.

7. Learned senior counsel for the petitioner submits that it would be evident from the FIR itself that the entire occurrence had taken place on account of land dispute between the parties and a number of persons including female members of the family have been made accused in this case. So far as the specific allegation is concerned, petitioner no. 1 is said to have assaulted Deepak Kumar and Arvind Ray and the injury reports have been annexed as Annexure- 2 series and a perusal of the same would go to show that both have received simple injuries caused by hard and blunt substance. It has also been submitted that no case under section 110 of the BNS would be made out in the facts of the case and other non bailable sections 303(2) and 74 are all ornamental in nature.



8. The learned counsel for the Informant however opposes the prayer for bail.

9. Considering all the above mentioned facts and circumstances, let the above named, petitioner no. 1 in the event of his arrest/ surrender within a period of four weeks from today, the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Bibhutipur P.S.Case No. 350 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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