

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8811 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- MANIYARI District- Muzaffarpur

1. Ram Pravesh Rai, S/o- Suraj Rai,
 2. Rekha Devi, Wife of Dharmendra Rai
- Both are resident of Village- Jamharua, P.S.-Maniyari, Dist- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and

apprehending their arrest in connection with Maniyari P.S.

Case No.83 of 2024 registered under Sections 341, 323, 379

and 307 read with 34 of the Indian Penal Code.

3. Allegation against the petitioners is to assault the

informant and other family members by using *lathi*, rod,

khanti etc. causing head and bodily injuries with intention to

cause their death. The occurrence is alleged to be arising out

of neighbourhood dispute and differences.

4. It is submitted by learned counsel appearing for



the petitioners that the occurrence was free fight in nature, where both parties received injuries and for the same set of occurrence, petitioners' side also lodged a case against the informant's side, which was lodged as Maniyari P.S. Case No.91 of 2024 dated 15.04.2024. It is submitted that from a bare perusal of FIR, the maximum allegation what appears against petitioners is to gather in the courtyard of the informant along with other co-accused persons. It is submitted that the allegation of assault is available against son of petitioners as per version of FIR. It is submitted that petitioner no.1 has got one criminal antecedent, where he is on bail and petitioner no.2 is a lady of clean antecedent.

5. Learned APP duly assisted by Mr. Hans Lal Kumar, learned counsel appearing for the informant while opposing the prayer of bail submitted that both the petitioners have actively participated during the occurrence, where father of the informant received grievous injury but, he could not disputed the factual submissions as advanced by learned counsel appearing for the petitioners.

6. In view of the above-mentioned facts and



circumstances and by taking note of fact as allegation of assault appears *prima facie* not available against above-named petitioners, where petitioner no.2 is a lady of clean antecedent, accordingly, both above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class (West), Muzaffarpur in connection with Maniyari P.S. Case No.83 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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