

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66961 of 2025

Arising Out of PS. Case No.-334 Year-2023 Thana- TAJPUR District- Samastipur

1. Janak Rai @ Janak Ray S/o- Late Mahavir Ray, R/o Village - Bikrampur, Police Station - Halai , District - Samastipur.
2. Kaleshwar Rai @ Kaleshwar Ray S/o- Late Jimedar Ray, R/o Village- Bazidpur Meyari, PS- Sarairanjan, Dist- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Mahendra Pratap, Advocate
For the State	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-09-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Tajpur (Halai O.P.) P.S. Case No. 334 of 2023, dated 14.06.2023, registered for the offences punishable under Sections 147, 148, 341, 323, 354B, 379, 325, 504 and 120B of the Indian Penal Code and under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The prosecution case, in brief, is that on 13.06.2023 at about 09:00 PM, six FIR named accused persons including the petitioners along with three to four unknown persons came to the house of the informant and enquired why



they were cultivating the land in question, to which she replied that panchayat had already settled the matter in the year 2009 and since then they are cultivating the said land. After hearing her reply, the co-accused persons assaulted the informant and also disrobed her. The co-accused Dharmendra Ray tried to strangle the husband of the informant and petitioner no. 2 assaulted the husband of the informant by means of iron-rod. The co-accused persons also assaulted the informant on her private part by means of iron-rod. The husband of informant fell unconscious due to multiple assaults and co-accused Dilip Ray and Dharmendra Ray planted desi *katta* on his waist and made him arrested by calling police.

4. Learned counsel for the petitioners has submitted that petitioners are innocent and they have falsely been implicated in the present case. There is admitted land dispute between the parties which is going on and in the course of settling the dispute, both the parties had hot discussion and consequently the discussion turned into a scuffle and both the parties assaulted each other. There is case and counter case between the parties as well and the present case is the counter blast of Tajpur (Halai O.P.) P.S. Case No. 333 of 2023 filed by the petitioner's side against the informant's side and the



informant of the present case is said to have sustained one injury during the course of the scuffle, but the injuries have been found to be simple in nature. It is lastly submitted that petitioner no. 1 claims clean antecedent while petitioner no. 2 carries one criminal antecedent, however, he is on bail in the said case as mentioned in the paragraph no. 3 of the bail application.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the fact that there is admitted land dispute between the parties and there is case and counter case between the parties as well and further considering the fact that injuries sustained by the injured persons are found to be simple in nature, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned trial Court within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Additional Judicial Magistrate First Class, Samastipur, in connection with **Tajpur (Halai O.P.) P.S. Case No. 334 of 2023**, subject to the conditions laid down under



Section 438(2) of the Cr.P.C. / Section 482(2) of the B.N.S.S., as well as on the following conditions:

(i) one of the bailors should be the family member / relative of the petitioner(s), who shall provide official document to show his / her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the learned trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his / her / their bail bond by the learned trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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