

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74604 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Digvijay Kumar Son of Mahesh Raut Village -Chandchaur, Mathurapur, Ps- Ujarpur, Dist- Samastipur
2. Shiv Shankar Rout @ Shiv Shankar Raut son of Late Mauji Raut Village -Chandchaur, Mathurapur, Ps- Ujarpur, Dist- Samastipur
3. Vishw Vijay Kumar @ Vishvijay Kumar son of Maesh Rout @ Mahesh Raut Village -Chandchaur, Mathurapur, Ps- Ujarpur, Dist- Samastipur
4. Budhan Kumar son of Jiwachh Rout @ Jivachh Raut Village -Chandchaur, Mathurapur, Ps- Ujarpur, Dist- Samastipur
5. Rakesh Kumar @ Rakesh Kumar Pal son of Shiv Shankar Rout @ Shiv Shankar Raut Village -Chandchaur, Mathurapur, Ps- Ujarpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 354(B), 379, 504 and 506 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against 12 named accused persons including the present petitioners. The allegation has been made that all accused persons have surrounded the informant and attacked, due to which several persons were injured.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the petitioners and the informant, both are agnates and for petty land dispute, scuffling took place among the family, due to which both side injured. He further submits that there are two cases, one Ujiarpur P.S. Case No. 463 of 2023 and the present case, *i.e.* Ujiarpur P.S. Case No. 464 of 2023 have been lodged for the same date and place of occurrence. He further submits that from bare reading of the F.I.R., general and omnibus allegation is there against the accused persons except petitioner no. 5. He further submits that the antecedent of the petitioners are clean and there is no chance of absconding in this case. He also submits that earlier case has been filed by the petitioners' side and in defence, the present case has been filed by the informant's side.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the injury has been caused by the petitioners' side to the informant's side and one of the persons has been arrested from the informant's side who has been released on bail only after four months.



7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner nos. 1, 2, 3 and 4 be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dalsingsarai, Samastipur in connection with Ujiarpur P.S. Case No. 464 of 2023, dated 26.12.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as petitioner no. 5 is concerned, this Court is not inclined to grant anticipatory bail to him, and therefore, his bail petition is hereby rejected.

(Dr. Anshuman, J)

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