

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74792 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- DALSINGHSARAI District- Samastipur

1. Nirdesh Kumar Ray S/o Rudneshwar Ray @ Rudal Ray Resident of village- Bhatgama, P.S- Gatho, District- Samastipur
2. Madresh Kumar Ray @ Madresh Ray S/O Rudneshwar Ray @ Rudal Ray R/O Village- Bhatgama, P.S- Gatho, Distt.- Samstipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Ray S/O- Hemant Kumar Ray, R/O Village- Bhatgama, P.S.- Gatho, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shanker Singh, Adv
For the State : Mr.Anil Kumar,APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 18-04-2025 Heard learned counsel for the petitioner, and the State.

2. Petitioners apprehend their arrest in connection with Dalsinghsarai P.S.Case No. 451 of 2023 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code and section 25(1-B) (a), 26,35 of the Arms Act.

3. A perusal of the FIR would disclose that on account of dispute which took place between the parties. It is alleged that petitioner no. 1 and 2 both assaulted the brother of the informant by means of *farsa* and *Kularhi* and while the



informant and his father came to save his brother, the petitioner no. 1 gave *farsa* blow to the brother of the informant Sujeet Kumar Ray on his head and petitioner no 2 gave axe blow on the head of the father of the informant causing head injury.

4. Learned counsel for the petitioners submits that both the parties are close relatives and there is a long standing dispute between the families. Section 107 Cr.P.C proceeding are going on and besides the criminal proceeding, a partition suit are also going on between the family members. It has been submitted by the learned counsel for the petitioners that a counter case has also been filed by the mother of the petitioner vide Complaint Case No. 2 of 2023 for the same occurrence of 12.11.2023, in which mother and brother of the petitioners got injured by the informant and his family members.

5. It has further been stated that both the sides have suffered injuries with regard to the said dispute and the injuries sustained by both the sides are on account of the same dispute. Further submission made by the learned counsel for the petitioners is that both the petitioners are young boy's who are students and are pursuing their academic courses, which would be evident from Annexure -2 series to the present application.

6. Learned APP for the State opposes the anticipatory



bail on the ground that the injuries sustained by the one of the injured is grievous in nature. From perusal of the injury report of Hemant Kumar Ray, who is said to have been assaulted by petitioner no. 2, there is only one injury on his left parietal region and the same is also simple in nature. So far as, the injury of Sujeet Kumar Ray, who is said to have been assaulted by petitioner no. 1 is concerned, the injury report would show that there is laceration on lower and upper lip and lacerated wound has also been found over the left forearm, which is suggestive of fracture of mandible. Although the nature of injury has not been indicated in the said injury report but the same indicates that it would be a serious/ grievous injury.

7. Considering the facts that the injuries are in the nature of lacerations and both the injuries are on the lip and the left forearm, which are not the vital parts of the body and also considering the fact that the petitioners have never intended to cause any serious injury to the injured and the incident had only happened at the spur of the moment in the heat of passion and also since the petitioners are young students and they have no criminal antecedents, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, in the event of their arrest/ surrender within a period of four weeks from today



the petitioners shall 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 Additional Chief Judicial Magistrate, Samastipur in Dalsingsarai P.S.Case No. 451 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial. Further condition would be that one of the bailors of the petitioners would be the mother / close family members.

(Soni Shrivastava, J)

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