

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85937 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- SARAI District- Vaishali

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1. Jai Prakash Rai Son of Late Kishundev Rai Resident of Village - Jahangir Pateda, P.S. - Sarai, District - Vaishali
 2. Nitesh Kumar Son of Jai Prakash Rai Resident of Village - Jahangir Pateda, P.S. - Sarai, District - Vaishali
 3. Pintu Kumar Son of Jai Prakash Rai Resident of Village - Jahangir Pateda, P.S. - Sarai, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bela Singh, Advocate
For the Informant	:	Shyamli Kumari, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Sarai P.S. Case No. 129 of 2024, dated 19.06.2024, lodged under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 354B, 379, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against nine named accused persons and 5-6 unknown persons against whom there is an allegation that they have entered into the house with *lathi* and asked the informant to leave the house, upon opposed, they started assaulting, due to which, injury has



been caused on the head. Subsequently, allegation is of assault as well as snatching of Rs. 20,000/- and broken of CCTV footage is also there.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him. Counsel submits that both the informant and petitioner sides are agnates and land dispute is going on between them. Counsel also submits that there is a Partition Suit No. 115 of 2017 is pending in the Court of Sub-Judge-VII, Vaishali at Hajipur in between both the parties. Counsel also submits that from the same date and place of occurrence, there are two criminal cases lodged, one is from the informant's side namely, FIR Sarai P.S. Case No. 129 of 2024 and another is from the petitioner's side namely, Sarai P.S. Case No. 130 of 2024. Counsel further submits that the informant has no patience to wait for the result of Title Suit and with a view to create pressure, they started assaulting the other parties.

5. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that there is direct allegation of assault, due to which, injury has



been caused and snatching of Rs. 20,000/- is there in the FIR.
Counsel submits that the bail application be rejected.

6. Learned APP for the State on the other hand opposes the bail but fairly submits that the injury has been alleged to be caused but all injuries are simple in nature and parties are agnates.

7. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Learned Additional Chief Judicial Magistrate-X, Vaishali at Hajipur in connection with Sarai P.S. Case No. 129 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Sudhanshu/-

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