

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69838 of 2024

Arising Out of PS. Case No.-1080 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Tajman Ray @ Tejman Rai Son of Late Chilar Ray @ Chilar Rai Resident of
Village- Jaisinghpur (Sharda Tola), Police Station- Tukrkauliya. District- East
Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Manoj Singh, Advocate
Ms. Shalini Raje, Advocate
Mr. Rishup, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Turkauliya P.S. Case No. 1080 of 2022 registered

for the offences punishable under Sections 341, 323, 324, 308,

379, 504, 506 of the Indian Penal Code.

3. As per FIR, petitioner alongwith other named co-

accused persons assaulted informant and his son and others by

using *lathi, gandasa* etc., causing head and bodily injuries, where

alleged assault was made with attempt which may likely to cause

their death.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that the occurrence was free fight in nature, which took place in the background of the land dispute. It is submitted that for the same set of occurrence, petitioner also lodged police case which was registered as Turkauliya P.S. Case No. 1033 of 2022 on 24.10.2012. It is submitted that during occurrence both parties received injuries. It is also pointed out that allegation as assault to son of the informant on his head is not available against this petitioner, rather same is available against co-accused Askaran Roy, whereas this petitioner alleged alongwith other named co-accused to drag the son of the informant during the occurrence by tying *Gamchha* around his neck.

5. Arguing further, it is submitted that nature of occurrence and the allegation *qua* assault as alleged to be made by this petitioner, nowhere suggest that act of petitioner was likely to cause death of son of the informant. It is pointed out that prior to this occurrence, one occurrence also took place between the parties, where the husband of the informant lodged Turkauliya P.S. Case No. 1087 of 2022 dated 15.11.2022, which was also free fight in nature and for the same a complaint case was lodged by petitioner's side which was registered before C.J.M., Motihari as Complaint Case No. 1158/2022.

6. Learned APP opposed the prayer of bail.



7. In view of aforesaid factual submissions and by taking note of fact as allegation to assault on head of son of the informant is not available against this petitioner coupled with the fact that even allegation to drag by tying *Gamchha* is also appearing not specific against this petitioner as per FIR, where occurrence appears free fight in nature, where both parties received injuries, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-14, East Champaran, Motihari/concerned Court, where the case is pending in connection with Turkauliya P.S. Case No. 1080 of 2022 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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