

In the Court of Sessions Judge, Samastipur

A.B.P.No. 3104 of 2022

Ram Lal Rai & 04 others Vrs. The State of Bihar

05.04.01.23

Heard Sri Krishna Kanhaiya, learned counsel for the petitioners and Sri Hamendra Kumar Yadav, learned P.P for the State on the anticipatory bail petition of petitioners **Ram Lal Rai, Prem Lal Rai, Rinku Devi, Usmanti Devi, Biphiya Devi**, who apprehend their arrest in connection with Patory P.S. Case No. 359 of 2022 registered under Sections 341, 323, 379, 307, 354B, 504, 506/34 of the I.P.C.

The learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent persons and they have committed no offence. It has been further submitted that all the offences as alleged are bailable in nature except Sections 307, 354B, 379 of the I.P.C., which are not attracted against the petitioners. While summing-up his argument Ld. Counsel submitted that offence under Sections 354B, 379 I.P.C. have been purposely added to make the offence serious in nature. So far Section 307 I.P.C. is concerned, the same is also not attracted against the petitioners. While concluding his argument Ld. Counsel submitted that there is case and counter case between the parties on the point of land dispute and in counter case informant side have enjoying anticipatory bail so, they may be given the benefit of anticipatory bail.

The Ld. P.P. has opposed the prayer of anticipatory bail, but fairly conceded that nature of injury of all the injured are simple as mentioned in Para-29 to 31 of the Case Diary.

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Perused the anticipatory bail petition as well as Case Diary. From bare perusal of the F.I.R, it appears that these petitioners assaulted the husband alongwith family members of informant with Lathi, Danda and iron rod, causing injury. From bare perusal of the injury reports mentioned in Para-29 to 31 of the Case Diary, it appears that nature of injury of all the injured are simple. Moreover, there is case and counter case between the parties on the point of land dispute and petitioners having clean antecedent.

Considering the aforementioned facts, let the anticipatory bail petition of petitioners named above is hereby allowed and it is directed that in the event of their arrest or surrender before the court below within 30 days from the date of receipt of this order they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the learned court below subject to condition as laid down under Section 438(2) of the Cr.P.C.(Dictated)

Sessions Judge