

In the Court of the Addl. Sessions Judge-X, Purnea

Anticipatory Bail Petition No. 1314/2023

C. I. S. No. 1314/2023

Arising out of Dagarua P.S. Case No. 02/2023 U/s- 143,447,341,323,324, 307,354,379,504,506 of the IPC.

1. Dinesh Ray @ Dijen Ray S/o Late Sumrit Ray
 2. Digen Ray @ Digenlal Ray S/o-Late Sumrit Ray,
 3. Dilip Ray S/o Late Birbal Ray,
 4. Chamru Ray @ Chamru Kumar Ray S/o Late Birbal Ray,
 5. Sharwan Ray S/o Kirpa Ray,
 6. Kirpa Ray S/o Late Laljee Ray,
 7. Bhuneshwar Ray S/o Late Sohi Lal Ray,
 8. Ramlal Ray S/o Giyani Ray
- All R/o-Singhiya Thathol, P.S.-Dagarua, District-Purnea,
9. Ghuttar Ray S/o Matru Ray,
 10. Pradip Ray @ Pradip Kumar Ray S/o Ghuttar Ray,
Both R/o-Berho, P.S.-Kadwa, District-Katihar (Bihar).....

.....Petitioners.

Vs

State of Bihar *Opposite Party.*

Appearance:

For the prosecution : Sri Ataur Rahman, Ld. Addl. P.P.
For the petitioner : Firoz Akhtar Advocate

ORDER

15.09.2023

01. The petitioner has moved this anticipatory bail application dated 10.08.2023, who are apprehending their arrest in connection with Dagarua P.S. Case No. 02/2023 U/s- 143,447,341,323,324, 307,354,379,504,506 of IPC.

02. Heard Firoz Akhtar the learned counsel for the petitioner, and Sri Ataur Rahman, learned A.P.P. for the State.

03. The prosecution story in brief is that informant has three brothers Shankar Ray, Kankar Ray, and Kanhaiya Ray all are labouring in Ahmadabad, Gujarat, and other places, and jointly sent income through money order to house. Relatives of the informant Bablu Ray, Digen Ray, Bikesh Ray, Dilip Ray, Channu Ray, Sarwana Ray, Kirpa Ray, Kamaldeo Ray, Bhuneshwar Ray, Ramlal Ray, and 20-25 unknown persons entered into his house on 13.12.2022 at about 9:10 am. They looted 2-3 lacs, and in the course of loot-pat the informant's mother, and others objected. Thereupon all started to commit criminal activities, and disrobed clothes from the body of wife of the informant, by Bablu Ray, as she became naked. Regarding this occurrence, the informant reported to local police station, but no any action was taken against them. Accused persons became arrogant, and again on 16.12.2022, they had broken tin-shed, and other articles were taken away by them. In the course of occurrence, Bablu Ray, and others, assaulted the wife,

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mother, and brother of the informant by sword, and spear. With the intention of murder, wife of the informant Fulka Devi, and bhabhi Josiya Devi were taken. On arrival of family members, their modesty can be saved. The informant earlier submitted a petition at the police station, but no any enquiry made by the police. Then again they have committed occurrence on 16.12.2022 at about 6 pm. The informant, and his family members are in Sadar hospital, Purnea, for their treatment.

04. Ld. Counsel appearing on behalf of petitioner has submitted that the petitioners are quite innocent, and have committed no offence at all as alleged in the prosecution report. No any bail petition either regular, or anticipatory, has been filed in any court, either session Judge, Purnea, or Hon'ble High Court, Patna, prior to this bail petition. The petitioners have falsely been implicated in this case due to land disputes and personal grudge and there is no complicity of these petitioners in the alleged occurrence which is absurd one. It is fact that the father of the co-accused Bablu Ray nemely Sukdeo Ray sold 3 decimal land through registered sale deed in favour of father of the informant Anup Lal Ray and Birbal Ray father of the co-accused Dilip Ray also purchased 10 decimal land from Sukdeo Ray, and due to partition of said land the informant party have committed occurrence on 16.12.2022 for which Dilip Ray one of the accused of this case lodged FIR bearing Dagarwa P.S. case No-400/2022 against the informant Shankar Ray and his associates and other and the informant party has arranged the present case with false allegations against the petitioners and other only to give pressure to compromise earlier case of Dagarwa P.S. case no-400/2022. Whenever no any occurrence was committed by the petitioners. From perusal of prosecution report it appears that occurrence was taken place on 16.12.2022, but the FIR was lodged on 02.01.2023 it is more delay which clearly shows that the present case is false one, and managed to lodge against the petitioners and others. The petitioner are own Chachera brothers, and having no any consultation with the family members of Anuplal Ray and Birbal Ray, but due to personal enmity the informant implicated these petitioners in this case with false allegations. The petitioners have no any criminal antecedent rather the petitioner no-1,2 and 7 are accused in G.r. case No.-274/2011, who all are on bail except that there is no any criminal antecedent against the petitioners. Co-accused have been granted anticipatory bail vide A.B.P. 1058/2023 from the court of 10th A.D.J., Purnea vide order dated 24.07.2023, and case of these petitioners stands on better footing. The petitioner is ready to furnish their solvent bailer.

05. The Ld. A.P.P vehemently opposed the prayer of bail of the petitioners.

06. Heard both the parties and perused the case diary. From the perusal of statement of independent witness in para-6 of case diary, it is apparent that both sides belong to same family, and there is dispute regarding share of land. Free fight took place between both sides, in which members of both sides got injured. In para-20 it has been stated that no injury was explained by the injured, so injury was not registered. Meaning thereby no

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injury was found on alleged injured. Further, allegations against petitioners are general and omnibus in nature. Also, there is long delay in lodging of FIR. In view of these facts and circumstances, this anticipatory bail application of **1.Dinesh Ray @ Diyen Ray, 2.Digen Ray @ Digenlal Ray,3.Dilip Ray, 4.Chamru Ray @ Chamru Kumar Ray, 5.Sharwan Ray, 6.Kirpa Ray, 7.Bhuneshwar Ray, 8.Ramlal Ray, 9.Ghuttar Ray, 10.Pradip Ray @ Pradip Kumar Ray** is **allowed**. In the event of arrest or surrender of the petitioner within 15 days from the date of communication of this order, the petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with one surety to the satisfaction of the learned Trial Court, subject to the conditions as laid down u/s 438(2) of Cr.P.C.

(Dictated)

(Abhishek Ranjan)
Additional Sessions Judge- X,
Purnea
15.09.2023