

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21329 of 2017**

Arising Out of PS.Case No. -135 Year- 2016 Thana -SARAI District- VAISHALI(HAJIPUR)

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Ajay Rai son of Girbaldhari Rai Resident of village Mansoorpur, P.S. Sarai,  
District Vaishali.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

|                        |                                        |
|------------------------|----------------------------------------|
| For the Petitioner     | : Mr. S.N.P. Sinha, Sr. Advocate.      |
|                        | : Mr. Mukesh Kumar, Advocate.          |
| For the Opposite Party | : Mr. Dr.Mrityunjaya Kr.Gautam, APP.   |
| For the Informant      | : Mr. Manish Chandra Gandhi, Advocate. |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      28-06-2017      Heard both sides.

The petitioner seeks bail in Sorai P.S. Case No. 135 of 2016 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that on 05.10.2016 while he was going to take medicines after finishing his official duty and when he reached near the gate of godown Ajay Rai, the petitioner, along with other accused persons forcibly took him in an i10 car to Mansoorpur near Sarai petrol pump and all the accused persons brutally assaulted him with iron rod. Ajay Rai, the petitioner was armed with country made pistol.

Learned counsel for the petitioner submits that the occurrence took place on 05.10.2016 but the informant made his fardbeyan on 14.10.2016 in Paras Hospital, Patna. From the injury



report sent by Paras Hospital, Patna it appears that the informant got as many as eight injuries out of which three injuries are stitch wound. There was depression of head and that is why the injury found on the head is opined to be grievous in nature. There is no specific allegation of assault against the petitioner. It is further submitted that the injury is said to have been caused by iron rod but, the petitioner was alleged to have been armed with country made pistol. It is further submitted that the petitioner has, of course, got as many as eleven criminal cases but there is case and counter case on account of lifting of goods from the godwon. The informant has also got as many as four criminal cases and the petitioner is in jail since 18.03.2017.

Shri Manish Chandra Gandhi, learned counsel for the informant as well as learned APP vehemently opposed the prayer for bail of the petitioner. Shri Manish Chandra Gandhi, learned counsel for the informant submits that prior to lodging of this case one Ganor Kumar lodged Sarai P.S. Case No. 46 of 2016, registered under Sections 324, 379 and some other Sections of the Indian Penal Code on 17.04.2016. Ganor Kumr was also an employee of railway and he alleged that on account of mistaken identity that Sanjay Rai was driving the vehicle the accused persons assaulted Ganor Kumar. It is further submitted that this is the second attempt on the life of the informant. The petitioner has got criminal antecedent and even the businessmen of the locality have filed petition that the petitioner and others are demanding extortion for lifting their goods from the godown.



Perused the FIR and the case diary, the informant named nine persons including the petitioner and alleged that they all brutally assaulted him near Sarai petrol pump. The doctor of Paras Hospital, Patna found as many as eight injuries on the body of the informant out of which injury found on the head is opined to be grievous in nature but, the informant did not make any specific allegation as to who caused the grievous injury found on the head, although there are nine persons who are alleged to have assaulted the informant. The informant has also got criminal antecedent. The petitioner has also got criminal antecedent but, it appears that no specific allegation of assault is made against the petitioner.

Considering the facts aforesaid and the fact that the petitioner is in jail since for more than three months, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIII, Vaishali at Hajipur in Sorai P.S. Case No. 135 of 2016.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

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