

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52884 of 2017

Arising Out of PS. Case No.-109 Year-2015 Thana- KESARIA District- East Champaran

=====

Awadh Rai Son of Mokhtar Rai, Resident of Village-Bairiya, P.S.-Kesariya,
District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Sabad Rai Son of Hira Rai, Resident of Village-Bairiya, P.S.-Kesariya,
District-East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Zainul Abedin

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-03-2018 The opposite party no. 2 was granted bail by order dated 06.03.2017 passed by the learned 2nd Additional Sessions Judge, East Champaran, Motihari in Bail Petition No. 309 of 2017, arising out of Kesariya P.S. Case No. 109 of 2015 which was instituted for offences under Sections 147, 148, 149, 447, 323, 324, 307, 448, 380 and 504 of the Indian Penal Code.

The allegation in the FIR lodged by the petitioner/informant is that while he was taking dinner at his house, the opposite party no. 2 and many others, variously armed with weapons came and started



abusing him. On protest, opposite party no. 2 is said to have given a Farsa blow on his head which led to injuries on his person. When his father/Mokhtar Rai rushed for his rescue, he was assaulted by Sudeshwar Rai, a co-accused with a sword on his head. The court below while granting bail to the opposite party no. 2 took note of the fact that the injuries suffered by the informant was stated to have been caused by hard and blunt substance. Despite the clear allegation of Farsa having been used by the opposite party no. 2, there was no incised injury on the person of the informant.

The other ground which weighed with the court below was that another co-accused, who is alleged to have assaulted the father of the informant/petitioner with a Farsa, has been granted bail by the High Court. He too was said to have used a sharp cutting weapon but the injuries found on the person of the father of the informant was found to have been caused by hard and blunt substance.



These are, in the opinion of this Court good grounds for grant of bail to any accused person.

There is no merit in this petition and therefore, it is dismissed.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

