

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15332 of 2020

Arising Out of PS. Case No.-882 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAM BALI RAI Son of Late Punit Rai Resident of Mohalla - Yadav Nagar
Bhagwanpur, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Opposite Party/s : Mr.Rajeev Nayan,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 23-11-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Sadar P.S. Case
No.882 of 2019 registered under Sections 341, 323, 379, 385,
506 and 34 of the Indian Penal Code.

The informant alleged that on 25.12.2019 while he
was standing in front of his house, Ram Bali Rai(the petitioner)
and his two sons Chandan Kumar and Akhilesh Kumar along
with 10-15 persons having armed with different weapons
including pistol came and assaulted the informant with iron rod.
The informant got injury on his head. Akhilesh Kumar, son of
the petitioner took out Rs.24,000/- from his pocket and Ram
Bali Rai put pistol on his temple and demanded Rs.20 lacs as
extortion. The accused persons fled away only after arrival of



the people.

The learned counsel for the petitioner submits that petitioner is innocent and in fact committed no offence. Ritik Kumar also lodged Sadar P.S. Case No.883 of 2019 which is counter version of the present case. There is omnibus and general allegation. The petitioner and his two sons along with 10-15 persons are alleged to have gathered but the informant did not make any specific allegation as to who assaulted him. There is only one injury on the person of the informant. It is further submitted that informant was examined by the doctor on 25.12.2019 but the doctor issued the injury report on 06.01.2020. The doctor found linear mildly displaced fracture superior wall of right orbit and on such, the injury opined to be grievous in nature but for all practical purposes, the injury is simple in nature. It is further submitted that Ritik Kumar lodged the case alleging therein that the informant of the present case along with others came to the shop and Rahul Kumar(the informant of the present case) took out Rs.9,000/- from the cash box and also snatched chain from the neck of the petitioner. On protest, they also assaulted him. Ritik Kumar caused injury on his hand with blade.

Learned A.P.P. however opposed the prayer for



anticipatory bail.

Perused the records. It appears that there is a case and counter case. The informant alleged that petitioner and his two sons and 10-15 persons came near his house and assaulted the informant. The informant made allegation of assault against all the accused persons but only one injury was found. There is a counter version in which the informant of the present case is also an accused and almost same and similar allegation is made against the informant of the present case. There appears on the face that both sides had quarreled with each other in which no specific allegation is made against the petitioner.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released 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 C.J.M., Muzaffarpur in connection with (Muzaffarpur) Sadar P.S. Case No.882 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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