

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4832 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- PATORI District- Samastipur

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LAL BAHADUR RAI Son of Khobhari Ray Resident of Village - Haridaspur,
P.S.- Patory (Mohanpur O.P.), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 02-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 447, 147, 148, 341,
323, 307, 379, 385 and 504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Ramanand Rai submitted before the Station House
Officer, Mohanpur Police Station is to the effect that on
06.09.2020 at 8.00 A.M., the informant was at house, in the
meantime, all the seven FIR names accused persons, including
the petitioner came variously armed and started abusing the
informant and asked the informant to transfer the land or make



payment of Rupees Five Lac. On protest being made, the petitioner, Lal Bahudar Rai assaulted on the head of the informant with a *garasa* causing bleeding injury. When uncle of the informant, Ram Pravesh Rai came to rescue, on the order of Khobhari Rai, co-accused, Krishna Rai assaulted him with the butt of the pistol whereas co-accused, Mohan Rai, Lal Kishun Rai and Pankaj Rai assaulted him with iron rod. When father of the informant, Devchandra Rai came to rescue, then he was assaulted by co-accused Krishna Rai with a lathi on his head. It is also alleged that co-accused, Pankaj Rai, snatched a gold chain from the neck of the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled and there is no accusation of repeating the blow against the petitioner. It is further submitted that though the injury has been found grievous only on the ground that it is caused on vital part of the body and except that, no other injury has been found grievous. Though, the injury has been found caused by hard and blunt substance and there is a counter version of the occurrence being Patori P.S. Case No. 372 of 2019 lodged by petitioner's side. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the genesis of the occurrence, accusation of assault is alleged to have been caused by a *garasa* which is not corroborated by the medical opinion, there being a counter version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Samastipur, in connection with Patory P.S. Case No.361 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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