

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37429 of 2020

Arising Out of PS. Case No.-569 Year-2019 Thana- CHAPRA TOWN District- Saran

SUKHAL RAY @ SUKHLAL RAY @ VINOD RAY son of Late Lalan Ray
Resident of Mohalla- Dahiyawa Dargah, P.S.- Chhapra Town, District- Saran
at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh
For the State	:	Mr. Nand Kishore Prasad
For the informant	:	Mr. S. S. Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-02-2021 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with
Chhapra Town Police Station Case No. 569 of 2019, registered
for the offence punishable under Sections 341/323/324/307/
379/504/302/34 of the Indian Penal Code.

The allegation, as per the First Information Report, is
that the petitioner, along with other co-accused persons,
assaulted the informant by means of iron-rod and further
allegation is that the petitioner gave iron-blow on the hand of
the informant, causing fracture injury and also assaulted the son



of the informant, Raju Rai, by means of iron-rod on his head, due to which he received grievous injury.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and there is case and counter case between the parties inasmuch as co-accused Ashok Kumar has filed Chapra Town Police Station Case No. 574 of 2019 against the informant and others. He next submits that there was free fight between the parties on the trivial issue of parking of tractor and in that scuffle, both sides have received injuries and from the side of the petitioner, eight persons have received injuries. He further submits that the petitioner is in custody since 03.07.2020.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor vehemently oppose the prayer of regular bail and submit that the petitioner, along with others, assaulted the informant and his son, Raju Kumar, due to which Raju Kumar received grievous injury and further co-accused persons assaulted the sons of the informant, namely Binod Rai and Jitendera Kumar, due to which Binod Rai succumbed to the injuries during his treatment.

Learned Counsel for the informant submits that there is specific allegation of assault against the petitioner and he



assaulted the son of the informant on his head by means of iron-rod, causing serious injury to him. He further submits that co-ordinate Bench of this Court, while considering the regular bail application of co-accused Jhagru Rai @ Bidhan Chand Rai, has rejected the same, vide order, dated 15.01.2021, passed in Criminal Misc. No. 29792 of 2020, and has directed the accused persons to face trial.

Learned Counsel for the petitioner submits that the regular bail application of co-accused Jhagru Rai has been rejected on the ground that the allegation against him is that he assaulted the deceased; whereas the only allegation against the petitioner is that he assaulted the informant and his son by means of iron-rod, due to which the hand of the informant got fractured and the son of the informant received grievous injury on his head and there is no allegation against the petitioner of assaulting the deceased.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that both the parties are co-villagers, there is case and counter case, the scuffle took place on trivial issue of parking of the tractor and the petitioner is in custody since 03.07.2020, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, at Chapra, in connection with Chapra Town Police Station Case No. 569 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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