

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.980 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- NAGAR District- Vaishali

CHHOTU RAI @ AMIT RAI @ CHHOTU @ AMIT Son of Nanhak Rai
Resident of Village - Lalpokhar, Chak Jagdishpur, P.S. - Hajipur Sadar, Dist. -
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-11-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Hajipur Nagar P.S. Case No. 137 of 2020 for the offence
registered under Sections 341, 323, 324, 307, 379, 504 and 506
of the Indian Penal Code.

The allegation is regarding the co-accused person
namely Nawal Rai having assaulted the informant resulting in
injury being inflicted upon him. As far as the other co-accused
persons including the petitioner are concerned, a general and
omnibus allegation of assault has been levelled, however, no
specific overt act has been alleged qua them.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the present case arises out of case and counter case and in fact a compromise has also been arrived at in between the parties. Lastly, it is submitted that if at all any grievous injury is stated to have been inflicted upon the informant of this case, the same is attributable to the co-accused person namely Nawal Rai.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the materials on record as also taking into account the fact that there is no specific allegation of any sort of overt act qua the petitioner herein and the petitioner is having a clean antecedent apart from the fact that the present case arises out of case and counter case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Nagar P.S. Case No. 137 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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