

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40192 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- BACHHWARA District- Begusarai

Wakil Rai @ Bakil Ray, Son Of Mahesh Chand Rai Resident Of Village-
Kurmi Tola Chamtha, P.S. Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar- Advocate
For the State	:	Mr. Atul Chandra- A.P.P.
For the Informant	:	Mr. Shashi Kant Amar- Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-07-2021 Heard Mr. Binod Kumar, the learned Advocate for the petitioner, Mr. Shashi Kant Amar, the learned Advocate for the informant and Mr. Atul Chandra, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bachhwara P. S. Case No.126 of 2020, instituted for the offences under Sections 147, 148, 149, 323, 302, 324, 506, 504 of the Indian Penal Code.

It has been alleged in the F.I.R. that an occurrence took place at the time of measurement of land at the instance of the informant. When the informant along with the revenue officials stepped into the land of co-accused Mahesh Chandra Rai, he is said to have abused the informant and also threatened



him of dire consequences. In the meantime, the brother of the informant also arrived who was assaulted by around 14 persons.

It has specifically been alleged in the F.I.R. that on the orders of Mahesh Chandra Rai, co-accused Rakesh is said to have assaulted the brother of the informant by means of an axe on his head leading to injuries which ultimately resulted in his death. The petitioner is said to have assaulted one Sanjay Rai who is the nephew of the informant.

The learned Advocate for the petitioner has submitted that so far as the deceased is concerned, all the accused persons including the petitioner are said to have assaulted him but the specific accusation of assault is on Rakesh and not on the petitioner and others. Sanjay Rai who is said to have been assaulted by the petitioner has not received any injury. There is no injury report of Sanjay Rai on record. Sanjay Rai has not even been examined by the police during investigation. The wife of Sanjay Rai though has been examined but she has not stated anything about her husband having received any injury on his person during the afore-noted transaction.

The learned Advocate for the petitioner has also drawn the attention of this Court to the fact that one person



namely, Lagandeo Rai @ Lal Dev Rai has been granted bail by this Court vide order dated 25.05.2021 passed in Cr. Misc. No.36110 of 2020. Two of the other accused persons also have been granted anticipatory bail by different Benches of this Court.

Regard being had to the fact that Sanjay Rai who is said to have been assaulted by the petitioner has not received any injury, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P. S. Case No.126 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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