

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26980 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- CHIRAIYA District- East Champaran

1. BHUNESHWAR RAI @ BHUNESHWAR RAY SON OF GYANCHAN RAY @ GYANCHANDRA RAY @ GYANCHAND RAY R/O- VILL- PATKHAULIYA, P.S.- CHIRAIYA, DIST- EAST CHAMPARAN
2. MAHESH RAI @ MAHESH KUMAR SON OF GYANCHAN RAY @ GYANCHANDRA RAY @ GYANCHAND RAY R/O- VILL- PATKHAULIYA, P.S.- CHIRAIYA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners armed variously came and started abusing the informant as to why he is cutting bamboo in their bamboo-



clumps. Thereafter, petitioner no.1 assaulted the informant by means of farsa causing head injury and petitioner no.2 gave knife blow to the informant causing injury in his right hand. It is further alleged that petitioner no.2 gave knife blow to the informant's brother causing injury in his left hand.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. From the impugned order, it is clear that the informant Ramagya Rai had sustained three injuries, i.e. (1) lacerated wound at left side of parietal region (2) Diffuse swelling with tenderness over left shoulder and (3) lacerated wound at dorsal side of right forearm and the informant's brother Ram Ayodhya Rai had sustained two injuries i.e. lacerated wound at frontal region and lacerated wound on left palm, as such the injury report does not corroborate the prosecution case as the petitioners are said to have inflicted injuries on different parts of the body. The injury sustained by informant's brother on left palm is a lacerated wound which is simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Chiraiya P.S. Case No.130 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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