

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69012 of 2021**

Arising Out of PS. Case No.-315 Year-2021 Thana- GAIGHAT District- Muzaffarpur

SHIV SHANKAR RAI Son of Sri Hari Mohan Rai Resident of Village-
Beruaa, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-06-2022 Heard.

The petitioner seeks regular bail in connection with Gaighat P.S. Case No. 315 of 2021 (G.R. No. 3685 of 2021), registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 353, 332, 333, 504, 506 of the Indian Penal Code and $\frac{3}{4}$ of Damage to Public Property Act.

The case of the prosecution in brief, according to the written complaint filed by the informant, is that he had received information regarding selling of ganja by Raj Kumar Rai, whereafter for verification of the said information, the informant along with the raiding team had proceeded to the village in question and on the way while they were enquiring about the name of the persons who were engaged in selling ganja, suddenly 10-15 persons had arrived there and had attacked the informant as well as the



raiding team, resulting in five Government officials sustaining injuries as also Government vehicle being damaged.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 10.09.2021. The learned counsel for the petitioner has further submitted that the petitioner is 81 years of age and is not capable of attacking, either the informant or the raiding party. In any view of the matter, it is submitted that the petitioner has been punished sufficiently on account of the period already undergone in custody. It is also submitted that similarly situated co-accused persons have already been granted bail by the learned court below.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein apart from considering the fact that the petitioner is 81 years of age, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of



Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate, Muzaffarpur in connection with Gaighat P.S. Case No. 315 of 2021 (G.R. No. 3685 of 2021).

(Mohit Kumar Shah, J)

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