

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6005 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- AWTARNAGAR District- Saran

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KANHAIYA KUMAR RAI @ KANHAI RAI Son of Late Subhash Rai
Resident of Village- Sakhnauli, P.S.- Awatar Nagar, District- Saran At Chapra
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Awatar Nagar P.S. Case No. 111 of 2022, registered for the offence punishable under Sections 147, 148, 341, 342, 323, 324, 307, 325, 379, 448, 504 and 506 of the Indian Penal Code.

The accused persons are stated to have entered the house of the informant on the alleged date and time of occurrence, whereafter they are stated to have assaulted the informant and his family members. As far as the petitioner is concerned, he is stated to have assaulted the informant by a sword / rod, causing head injury upon him.



The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but he is on bail in the said two cases and the said two cases also arise out of previous enmity in between the same parties. Lastly, it is submitted that the injury report of the informant shows the injury to be simple in nature and the same can be verified.

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 learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that it is the averment of the learned counsel for the petitioner that the injury, caused on the head of the informant, attributable to the petitioner, has been found to be simple in nature, though I deem it fit and proper to direct for release of the petitioner on bail, however, subject to verification of the injury report by the learned Court of Judicial Magistrate 1st Class, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 111 of 2022 and further subject to



such conditions as may be deemed fit and proper to be imposed
by the learned Trial Court.

The present petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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