

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10259 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

ABDESH RAI @ ABDHESH RAY S/O MAHESHWARI RAI R/v-
Srirampur, P.S.- Akbarnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Akbarnagar P.S. Case no.41 of 2021 registered under sections 307, 341, 323, 379, 448, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons including the petitioner herein are said to have come variously armed and of having resorted to assault. The petitioner is said to have assaulted the son of the informant Gagan Rai with a *katta* as a result of which he fell down.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. As per the injury report brought on record as annexure-2 to the writ application, the injury on the son of the informant namely



Gagan Rai has been found to be simple in nature and does not support the prosecution case. The petitioner is in custody since 27.9.2022 and charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the contents of the injury report wherein the injury attributable to this petitioner has been found to be simple in nature, the petitioner being in custody for more than 7 months since 27.9.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Akbarnagar P.S. Case no.41 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bhagalpur.

(Partha Sarthy, J)

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