

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8996 of 2023**

Arising Out of PS. Case No.-182 Year-2021 Thana- CHHAURADANO District- East
Champaran

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MOFFIL RAY @ MOPHIL RAY S/O LATE YODHA RAY Resident of
Village- Murli P.S.- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 02-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Chhauradano P.S. Case No. 182 of 2021, dated 21.07.2021
registered for the offences punishable under Sections 147, 149,
323, 341, 342, 324, 307, 379, 448, 504 and 506 of the Indian
Penal Code.

3. The main submissions advanced by petitioner's
counsel are that both the parties are agnates, there is a case and
counter case in between them and as per allegation informant is
stated to have been assaulted by the co-accused by means of
Farsa but as per medical expert's opinion he has sustained
injuries caused by hard and blunt object and the said fact is



completely contradictory to the nature of the weapon as alleged in the FIR and petitioner is stated and alleged to have assaulted the informant's wife by means of *Garasha* but the said allegation is completely false as the prosecution has not produced any injury report of the informant's wife and as per the injury report submitted by prosecution there is only one injured person who is the informant but his injuries are simple in nature as per medical expert's opinion. Further submissions are that there is a land dispute in between both the parties and the petitioner has been languishing in jail since 10.12.2022 and against him investigation has been completed, though he was earlier convicted and sentenced under Section 302 of IPC but he has completed the sentence in the year 2005.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the facts that as per the allegation levelled in the FIR, petitioner is stated to have assaulted informant's wife by means of *Garasha* but the prosecution has not produced injury report of the informant's wife and in the case diary, only informant's injury report is available which shows that the informant sustained simple injuries and the nature of the weapon opined by the



doctor concerned in the said injury report is completely contradictory to the nature of weapon alleged in the FIR and moreover, investigation has been completed against the petitioner and there is case and counter case in between both the parties, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Chhauradano P.S. Case No. 182 of 2021.

(Shailendra Singh, J.)

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