

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22536 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- PATORI District- Samastipur

Laddu Lal Ray, S/o Ram Udesb Rai @ Ram Udesbha Ray, Resident of
Village- Hetanpur, P.S.- Patori (Mohanpur O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Patori P.S. Case No. 152 of 2022 dated 28.04.2022 registered
for the offences punishable under Sections 147, 148, 149, 341,
342, 323, 324, 379, 307, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution, the informant alleged that while
he was returning from Patory meanwhile this petitioner along
with other co-accused persons and 5-7 unknown persons
surrounded him thereafter one co-accused Subodh Rai opened
fire at the informant and this petitioner slit the neck of the
informant by means of 'hasua' and all the other accused persons
assaulted by means of *hasua and gadasa* etc.



4. The main submissions advanced by the learned counsel for the petitioner are that the informant had political rivalry with this petitioner owing to which he falsely lodged the present case, though there is specific allegation against this petitioner but the same is quite improbable as according to the FIR 10 named and 5-7 unknown persons firstly stopped the informant and thereafter fired at him and after that this petitioner started slitting the informant's neck by means of a '*Hasua*' but as per injury report of the informant, all the injuries found on his body including the injury upon his neck have been opined to be simple in nature so in the presence of such large number of accused persons such simple injuries were not possible and the said fact is sufficient to falsify the allegation levelled against this petitioner. Further submissions are that the injury report of the informant has been falsely prepared and against this petitioner there is criminal antecedent of one case in which he is on bail and he has been languishing in jail since 23.02.2023 and co-accused persons namely, Subodh Rai, Baue Lal Rai and Pramod Rai and Lalu Kumar, Gandhi Kumar, Rajesh Kumar @ Rakesh Kumar, Bipin Kumar and Kundan Kumar have been granted anticipatory bail by a co-ordinate Bench of this court vide orders passed in Cr. Misc. No. 42340 of



2022 and Cr. Misc. No. 39843 of 2022 respectively.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides and perused the FIR and injury report of the informant submitted by the petitioner with this petition as Annexure-2. There is serious allegation against this petitioner and against him there is specific allegation of slitting the neck of the informant by means of a '*Hasua*' and on the neck of the victim a sharp incised wound in the size of 3 cm. long and 0.5 cm. deep was found and the same is corroborative to the allegation levelled against this petitioner in the FIR. Considering the seriousness of the allegation appearing against this petitioner, in my opinion it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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