

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37482 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- MAHINDWARA District- Sitamarhi

1. Chanari Rai @ Chandradip Rai Son Of Suraj Ray Resident Of Village -
Sugri @ Sugari Dih, P.S. - Mahindwara, Distt. - Sitamarhi
2. Mahesh Rai Son of Suraj Ray Resident of village - Sugri @ Sugari Dih, P.S.
- Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in
connection with Mahindwara P.S. Case No. 69 of 2022,
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 307, 379, 325, 448, 504 and 506 of the Indian
Penal Code.

3. There is an allegation of indiscriminate assault
upon the prosecution parties.

4. The learned counsel for the petitioners submits



that the occurrence has taken place over a land dispute. As against the petitioner no. 2, there is no specific allegation of assault and his name has wrongly been recorded in the order dated 21.07.2022 passed by the learned Sessions Judge, Sitamarhi, rejecting his prayer for anticipatory bail. In fact, *Ramesh Rai* has inflicted an assault upon the informant, which has caused a fracture. The submission is that insofar as the repeated assault alleged against petitioner no. 1 is concerned, the injury report shows that the same are not grievous injuries.

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, in respect of petitioner no. 2, namely, ***Mahesh Rai***, having regard to the fact that there is no specific assault alleged against him, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioner no. 2, namely, ***Mahesh Rai***, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released 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 learned Judicial Magistrate 1st Class, Sitamarhi, in connection with Mahindwara P.S. Case No. 69 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioner No.2 who will give an affidavit giving genealogy as to how he is related with the petitioner No.2. The bailor will also undertake to inform the court if there is any change in the address of the petitioner No.2.

(ii) That the petitioner No.2 will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

8. In so far as the petitioner no. 1, namely, ***Chanari Rai*** is concerned, this Court, considering the nature of allegation and taken note of the fact that victim of assault perpetrated by petitioner no.1 has sustained eight injuries, is inclined to accept the submissions advanced on behalf of the learned APP for the State.

9. Prayer for bail made on behalf of the petitioner



No. 1 is rejected.

(Madhuresh Prasad, J)

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