

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48025 of 2023

Arising Out of PS. Case No.-387 Year-2021 Thana- BHELDI District- Saran

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1. Subodh Ray @ Subodh Kumar Ray Son of Murari Ray, R/o Village Hakma, Sikarpur, P.S. Bheldi, Dist- Saran
 2. Vikash Kumar @ Vikash Kumar Ray Son of Murari Ray, R/o Village Hakma, Sikarpur, P.S. Bheldi, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Prakash Chandra, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bheldi P.S. Case No. 387 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. Allegedly while the informant with his cousin brother and nephew were discussing over the election related issues, in the meanwhile, all the FIR named accused persons including the petitioners along with 20-25 unknown persons armed with deadly weapons came there and started abusing and assaulting them. It is further alleged that these petitioners also



assaulted the other persons. Specific allegation has been levelled against co-accused Abhay Kumar, who assaulted one Jitendra Ray with sword over his head due to which he sustained grievous injury.

4. Learned counsel for the petitioners submits that from the narration of the FIR, it is evident that omnibus nature of allegation has been levelled in the background of an election dispute. So far the injuries sustained to the informant and others are concerned, all have been found to be simple in nature barring one, which has not been attributed to the petitioners. He further submits that on account of the election dispute, a free fight took place between the parties in which persons of both sides sustained injuries. He next submits that the petitioners are men of fair antecedent and they undertake that they will not indulge in such type of activities in future and also cooperate in the investigation/trial.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners had actively participated in the crime in question.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fair antecedent of the petitioners



and the nature of injuries, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Saran at Chhapra in connection with Bheldi P.S. Case No. 387 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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