

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46462 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- MADHAURAH District- Saran

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RAMJI RAY @ RAMJI PRASAD YADAV son of Nanhaku Bhagat @
Nanhaku Ray Village- Bhuwalpur Ps- Marhowrah Dist- Saran Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bashishtha Nr. Mishra
	:	Mr.Sachida Nand Rai
For the Opposite Party/s	:	Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 383 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.
3. As per prosecution case, petitioner is said to have assaulted by means of *hasuli* upon the informant which hit the left arm of the informant. It is further alleged by the informant that petitioner and others also assaulted him with



brick, stone and *danda*. It is further alleged that co-accused Kundan Rai, Chandan Rai and Arjun took out Rs. 7000 from the informant's pocket.

4. Learned counsel for the petitioner submits that the injury report does not corroborate the allegation made in the FIR against the petitioner. Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he gave *hasuli* blow to the informant which hit the left arm. There is no allegation of repetition of blow. The doctor has not found injury of sharp cut weapon and there was no intention to commit murder of informant as it would appear from the allegation made in the FIR. He further submits that injury is simple in nature caused by hard and blunt substance as opined by the doctor and the same is mentioned as Annexure 2 of the bail petition and in that circumstance no case under Section 307 of the IPC is made out against the petitioner. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, District-Saran in connection with Marhowrah P.S. Case No. 383 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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