

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46607 of 2023

Arising Out of PS. Case No.-267 Year-2022 Thana- GARKHA District- Saran

UPENDRA RAI @ UPENDRA KUMAR S/O LAKSHMAN PRASAD
YADAV R/O VILLAGE- NARAYANPUR, PS. GARKHA, DIST. SARAN
(CHHAPRA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ghanshyam Tiwary, Adv.
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, APP.
	Mr. Rananjay Kumar, Adv.
	Mr. Arif Daula Siddiquie, Adv.
	Mr. Afaq Ahmad Siddiqui, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-10-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 324, 354, 307, 34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioner, having deadly weapons, came to the informant and assaulted the informant's side brutally. Petitioner is said to have assaulted the informant with knife. When the informant's father tried to save him, petitioner along with other accused persons assaulted the informant's father due to which he sustained injuries. Petitioner also tried to outrage the modesty of the informant's wife.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation against co-accused Mithlesh Rai. There is case and counter case between the parties. Both sides have sustained injuries. Though there is allegation against the petitioner is that he assaulted the informant with knife, but the injury report did not support the allegation levelled against him. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection



with Garkha P.S. Case No. 267 of 2022, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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