

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52096 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- BARHARA District- Bhojpur

1. RAKESH RAY @ RAKESH KUMAR RAY SON OF SURESH RAY
RESIDENT OF VILLAGE- LALA KE TOLA, PS- BARHARA, DISTT-
BHOJPUR
2. AMIT RAY @ AMIT KUMAR RAY SON OF SURENDRA RAY
RESIDENT OF VILLAGE- LALA KE TOLA, PS- BARHARA, DISTT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Barhara PS case no. 317 of 2023, registered
for the offences punishable under Section 307 and other allied
sections of the Indian Penal Code.
3. The case of the prosecution, in brief, is that on
27.05.2023 at about 5.30 pm in the evening, while the informant
was sitting at his shop, the accused persons including the
petitioners herein had arrived there to purchase clothes and
shoes, whereafter they had engaged in bargaining the price,
however, the informant had told them that the price would not



be reduced, whereupon the accused persons had abused and assaulted the informant. As far as the petitioners are concerned, they are stated to have assaulted the informant on his head by rod.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has referred to the injury report, annexed to the present petition *qua* the informant herein namely Dharmvir Ray to submit that the injuries sustained by the informant have been found to be simple in nature, hence, it is submitted that benefit of doubt be granted to the petitioners for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries sustained by the informant, attributable to the petitioners herein, have been found to be simple in nature apart from the fact that the petitioners are having a clean antecedent, I deem it fit and



appropriate to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Bhojpur at Ara in connection with Barhara PS case no. 317 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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