

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53072 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- BACHHWARA District- Begusarai

Manjay Rai @ Manjay Roy, Son Of Shatrughan Ray, Resident Of Village-
Bishanpur, Ps- Bachhwara, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bachhwara P.S. Case No. 131 of 2023, registered for the offences under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, armed with *lathi*, *danda* and iron rod assaulted the father and brother of the informant causing fracture on their heads. Allegation against the petitioner is that he assaulted the brother of the informant with iron rod on his head.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. There is dispute between the parties over drainage of water. Earlier Bachwara P.S. Case No. 130 of 2023 has been registered for the offences under Sections 341, 33, 337, 325, 379, 504 and 506/34 of IPC against the informant side by the petitioner's side. There is only one injury of lacerated wound 1" x 1/4" x 1/8" on the head of the brother of the informant and from the dimensions it appears to be a simple injury. Learned counsel further submits that there is case and counter case between the parties and in course of altercation some scuffle took place and persons from both sides were received injuries. No offence under Section 307 of IPC is made out against the petitioner and allegation for offence of Section 379 IPC is ornamental.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner for assaulting the brother of the informant with iron rod.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties coupled with small dimension of injuries and further considering the possibility of false implication, let the petitioner above named in the event of his arrest or surrender before the court concerned within a



period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Bachhwara P.S. Case No. 131 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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