

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53130 of 2023

Arising Out of PS. Case No.-135 Year-2020 Thana- BHELDI District- Saran

Suresh Ray @ Suresh Rai Son Of Late Bhannu Rai Village Bariyarpur, Ps-Bheldi, Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Mrityunjay Kumar, learned counsel for the petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Bheldi P.S. Case No.135 of 2020, registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegedly, while the informant was ploughings his filed, in the meantime all the sixteen FIR named accused persons, including the petitioner, variously armed with *Lathy*, *Farsa*, *Danda* and Knife came there and on the exhortation made by co-accused Khelawan Rai, all the accused persons brutally assaulted the informant due to which he sustained serious injuries.

4. Learned counsel appearing on behalf of the



petitioner submits that from the narration of the FIR, it is evident that there is a long standing land dispute between the parties and moreover, both the informant and the petitioner are agnates. That apart, no specific allegation of any overt act alleged against the petitioner and there is counter version of the present case being Bheldi P.S. Case No. 134 of 2020 registered from the petitioner's side. He next submits that the co-accused persons having identical allegation has been allowed privilege of anticipatory bail by learned Coordinate Bench of this Court in Cr. Misc. No. 50904 of 2021 vide order dated 29.04.2022, the copy of which has been brought on record by way of Annexure-2. He next submits that though the injuries sustained to the informant has not been discussed, however, from perusal of the order passed by the Coordinate Bench of this Court, it appears that the injuries sustained to the informant is simple in nature. He lastly submits that the petitioner is man of fair antecedent.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of omnibus allegation, apart from the case and counter case and the nature of simple injury, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saran at Chapra in connection with Bheldi P.S. Case No.135 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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