

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53912 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- GANGABRIDGE District- Vaishali

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UMASHANKAR RAI @ UMASHANKAR KUMAR Son of Ramdayal Rai
Resident of Village-Terasiya, P.S.-Gangabridge, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Ganga Bridge PS case no. 298 of 2022, registered for the offences punishable under Section 379 and other allied sections of the Indian Penal Code.
3. The allegation is that while the informant was ploughing his field on 04.12.2022 at about 8.30 am in the morning, he saw that the co-accused person namely Ram Dayal Rai had put tub (Manger) and pegs for tying animals at the field of the informant, which was objected to by the informant, whereupon the accused persons had assaulted the informant. It is also alleged that the petitioner had assaulted the informant on his head with *farsa*.



4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has submitted, by referring to the injury report as also the supplementary injury report annexed as Annexure-2 series to the present petition, that the injuries sustained by the informant have been found to be simple in nature.

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 petitioner herein, have been found to be simple in nature apart from the fact that petitioner is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail



on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Vaishali in connection with Ganga Bridge PS case no. 298 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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