

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56819 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- PATEPUR District- Vaishali

Mun Tun Rai, Son of Bhonu Rai, Resident of Village- Bardiha Turki, P.S. -
Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Anuj Kumar, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Patepur P.S. Case No. 82 of 2023 registered for the offences punishable under Sections 341, 323, 324, 379, 307, 504/34 of the Indian Penal Code.

3. Allegedly while the informant was at his house, in the meantime, all the F.I.R. named accused persons, including the petitioner, barged into his house and the petitioner inflicted *Farsa* blow over his head, causing serious injury. It is further alleged that other accused persons also assaulted the informant by means of *Lathi* and *Danda* and snatched the valuables.

4. Learned counsel appearing on behalf of the petitioner submits that in fact both the petitioner and the



informant are own brothers and on account of a dispute with regard to partition of ancestral property, a scuffle took place between the family members, which resulted into some injuries to the informant, which was not intentional. He further submits that though the injury is found to be grievous in nature, but the same is caused by hard and blunt object, which falsifies the prosecution case of causing *Farsa* blow. He lastly submits that the occurrence took place on 06.04.2023 and the F.I.R. has been instituted on 13.04.2023, after a delay of seven days of the occurrence. Moreover, the petitioner is a man of fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that it appears that the informant was assaulted by back side of *Farsa* and that apart he is young brother and as such he committed a serious offence.

6. Regard being had to the submissions made on behalf of the parties and considering the injury report, which falsifies the allegation of causing *Farsa* blow, apart from the relationship of the petitioner and the informant and the delay in lodging of the F.I.R., let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of



Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No. 82 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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