

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58450 of 2023

Arising Out of PS. Case No.-783 Year-2022 Thana- GARKHA District- Saran

Amir Ray @ Amir Kumar S/O Bhageshwar Ray, R/O Village- Hemathpur
(Hematpur), P.S- Garkha, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the Informant	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

- 3 13-12-2023 Heard Mr. Radha Mohan Singh, learned counsel appearing on behalf of the petitioner and Mr. Syed Mojibur Rahman, the learned Additional Public Prosecutor for the State. The informant is represented by learned counsel, Mr. Ajay Kumar Singh.
2. The petitioner apprehends his arrest in connection with Garkha PS Case No. 783 of 2022 dated 17.12.2022, registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504 read with Section 34 of the Indian Penal Code.
3. Allegedly, while the informant was coming to his house on his motorcycle, in the meanwhile, co-accused Sukesh Rai and Narayan Yadav intercepted the informant and demanded

money for having meal and drink. On being protested, the accused persons started abusing the informant and assaulting him. In the meantime, the petitioner along with Arvind Rai also came there and assaulted him by means of *knife* and *danda*. It is further alleged that the co-accused Narayan Yadav also snatched Rs. 50,000/- (fifty thousand) and threatened with dire consequences. It is lastly alleged that co-accused Arvind Rai inflicted *knife* blow on his stomach causing grievous injury.

4. Learned counsel appearing on behalf of the petitioner submits that from the narratives of the prosecution case, it is evident that the occurrence took place on 07.12.2022 but the FIR has been instituted on 17.12.2022. Though, the reason has been shown to be that the informant was under treatment, but in such case deliberation cannot be ruled out. Moreover, the FIR could have been instituted even during the course of treatment, but that has not been done. He further submits that so far as the allegation of causing *knife* blow over the stomach of the informant is concerned, the same has been specifically attributed against co-accused Arvind Rai, which injury has subsequently been found to be grievous in nature. He further drew the attention of this Court to the injury report as well as supplementary report suggesting that the injury

sustained to the informant are simple in nature. However, later on a report submitted by Aarogyam Hospital, the injury is reported to be grievous. He further submits that though, the petitioner is accused in Garkha PS Case No. 689 of 2021, instituted for the offence under Section 307/149 and other allied Sections of the Indian Penal Code, however, he is on bail.

5. On the other hand, learned counsel appearing on behalf of the State as well the informant vehemently opposed the bail application and submit that the apart from the fact that the petitioner happens to be habitual offender, he has actively participated and there is allegation against him that he along with co-accused Arvind Rai also assaulted the informant by means of *knife* and *danda* and there is two incise wounds over the body of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging the FIR and the fact that specific accusation of causing grievous injury is attributed against co-accused Arvind Rai, the **provisional bail** granted to the above-named petitioner vide order dated 11.10.2022 stands confirmed, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial

Magistrate-I in connection with **Garkha PS Case No. 783 of 2022**, subject to the conditions laid down in Section 438(2) of Cr.P.C. with the further condition that one of the bailors shall be the own / close family members of the petitioner.

(Harish Kumar, J)

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