

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61370 of 2022**

Arising Out of PS. Case No.-10 Year-2022 Thana- SISWAN District- Siwan

Shivam Rai @ Shiv Rai S/O Parshuram Rai R/V- Bharwaha, P.S.- Siswan,
Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 08-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 341, 323, 307,
379/34 of the Indian Penal Code.

The prosecution case in nutshell is that when
the informant refused to plough the field of petitioner
from his Tractor, then it has been alleged that this
petitioner caught the informant and another accused,
namely, Murli Rai assaulted the informant by means of
Sabal, due to which he sustained head injuries.



It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. At best, it can be said that petitioner is non-assailant and the main allegation of assaulting is against co-accused, namely, Murli Rai. There is an inordinate delay of 10 days in lodging the F.I.R. In the background of land dispute, the name of petitioner has been arrayed in this case. Moreover, petitioner is languishing in judicial custody since 08.07.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Siswan P.S. Case No. 10 of 2022 on furnishing bail



bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Siwan.

(Sunil Kumar Panwar, J)

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