

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67279 of 2022**

Arising Out of PS. Case No.-358 Year-2022 Thana- HARSIDHI District- East Champaran

1. Mobin Rai @ Bhuvin Rai S/O Navitulla Rai Presently R/O Village- Paithanpatti, P.S- Harsidhi, Distract- East Champaran, Permanent resident of village- Parsa Pathanpatti, Post- Narkatiya, P.S- Narkatiya, District- East Champaran
2. Nabi Hassan Rai S/O Late Saleem Rai R/O Village- Paithanpatti, P.S- Harsidhi, Distract- East Champaran
3. Alam Rai S/O Ash Mohamad Rai R/O Village- Paithanpatti, P.S- Harsidhi, Distract- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Riya Giri, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      24-02-2023                      Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Harsidhi P.S. Case No.358 of 2022 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 28.07.2022.

The allegation against the petitioner is to commit the murder of brother of informant alongwith other nine co-accused persons by making an assault with *lathi*, rod etc., causing head



and other bodily injuries, where dispute founded over neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case. It is submitted that present F.I.R. was lodged to counter the earlier lodged case by the brother of petitioner no.3, which is registered as Harsidhi P.S. Case No.357 of 2022 against informant and others. While travelling over the argument it is submitted that allegations from the bare perusal of F.I.R. as available against this petitioner is of very much general and omnibus in nature and no specific act attributed to him during the course of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that petitioner actively participated during the course of occurrence.

In view of the facts and circumstances as mentioned above and by taking note of the allegation as regard to assault is appearing very much general and omnibus in nature against this



petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Harsidhi P.S. Case No.358 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 Chief Judicial Magistrate, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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