

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69386 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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LAXMAN RAI Son of Late Gyan Chand Rai R/V- Bejha Deeh, Ward No. 2,
P.S- Muffasil, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Anshu Dhar Sharma, Advocate
		Mr. Ram Babu Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with
Samastipur Muffasil P.S. Case No. 49 of 2021 registered for the
offences punishable under Sections 341, 323, 307, 302, 504 and
120 (B) of the Indian Penal Code.

As per the prosecution, the informant's brother was
assaulted by this petitioner and other co-accused persons by
means of lathi, danda, khanti etc. due to which he succumbed to
the injuries during treatment.

The main submissions advanced by the learned
counsel for the petitioner are that admittedly at the time of
commission of the alleged offence there was a land dispute



running in between both the parties, the allegation as to assaulting the father of the informant is general and omnibus against the petitioner as well as against three other co-accused persons and specific role of the petitioner in assaulting the said person has not been revealed and the informant's brother is said to have been murdered but the allegation of assaulting the deceased is against co-accused Ravi Ranjan Kumar and that occurrence took place subsequent to the first occurrence of assaulting of father of the informant and co-accused Pawan Ray @ Pawan Kumar Ray has been granted anticipatory bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 42530 of 2021 and the petitioner who is an old man aged about 72 years has been languishing in jail since 01.08.2022 and he has no antecedent in the present, though he was earlier accused in two criminal cases but he has been acquitted in both the cases.

Learned APP appearing for the State as well as the learned counsel for the informant have vehemently opposed the bail prayer and submitted that the anticipatory bail prayer of this petitioner has been rejected by a co-ordinate bench of this court and there is serious allegation against the petitioner.

Considering the above submissions and mainly the



petitioner’s old age as well as the nature of allegation appearing against him and his custody period and the privilege of bail having been granted to co-accused mentioned above by a co-ordinate bench of this court and also the fact that the main allegation of assaulting the deceased is against co-accused Ravi Ranjan Kumar, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Samastipur Muffasil P.S. Case No. 49 of 2021.

(Shailendra Singh, J)

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