

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.274 of 2023

Arising Out of PS. Case No.-80 Year-2021 Thana- PURNAHYA District- Sheohar

1. PHEKAN RAUT @ PHEKAN RAY Son of Ramjinish Ray Resident of Ward No.- 02, Village - Kashopur, P.S.- Purnahiya, District - Sheohar.
2. Pankaj Kumar Son of Satendra Rai Chandrabanshi @ Satendra Ray Resident of Ward No.- 02, Village - Kashopur, P.S.- Purnahiya, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 325, 379, 447, 448, 504 and 34 of the Indian Penal Code.

Allegedly, petitioners along with other accused persons assaulted the informant and her son with lathi-danda.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. There is no specific allegation against petitioner no.1, whereas



there is specific allegation against petitioner no.2 that he assaulted the informant due to which the informant sustained grievous injury in his shoulder. Both the parties are co-sharers. There is case and counter case between the parties. There is an admitted dispute over the ancestral property between them. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against petitioner no.1, let the petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Purnahiya P.S. Case No. 80 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is specific allegation against the petitioner no.2 that he assaulted the informant due to which he sustained grievous injury in his shoulder, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner is



hereby rejected.

Accordingly this application stands partly allowed.

(Anjani Kumar Sharan, J)

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