

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4410 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- MAHNAR District- Vaishali

1. Subodh Ray @ Mahto @ Subodh Kumar Son of Jailal Ray R/o vill - Gachhi tola, P.S. - Mahnar, Distt. - Vaishali
2. Vijay Rai Son of Baldev Ray R/o vill - Gachhi tola, P.S. - Mahnar, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahnar P.S. Case No. 83 of 2023 dated 29.03.2023 registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 504 and 506 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons holding deadly weapons are alleged to have come to the door of the informant and started abusing. On being objected by the informant, the co-



accused Chadeshwar Rai and Jailal Rai exhorted to kill then the co-accused, Rangila Rai inflicted iron rod blow on the head of the informant but the same hit his nose causing cut injury and he fell down. On hulla, the informant's brothers came to rescue the informant then the the petitioner, Subodh Rai @ Mahto assaulted with sharp edged weapons on the head of Sunil Kumar Mishra causing head injury. The co-accused, Chandeshwar Rai and Jailal Rai assaulted with bamboo to Arun Mishra and Mohan Mishra assaulted on his head causing head injury. All the accused persons also assaulted the informant's nephew, Gaurav Kumar and Priyanshu Kumar with lathi and danda. It is further alleged that the co-accused, Rangila Rai snatched golden chain from the informant's nephew, Ayush Raj and Rs. 10,000/- from the pocket of the informant. The accused persons also threatened the informant of dire consequences.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have made accused in this case due to previous enmity with the informant. Learned counsel has further submitted that the



allegation against the petitioner no. 2, Vijay Rai is general and omnibus. The petitioners have no concern with the alleged offence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the injury of the injured Sunil Kumar Mishra, Gaurav Mishra and Mohan Mishra are grievous in nature caused by hard and blunt substance as stated in para 6 of the impugned order.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner no.2 namely, Vijay Rai, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 83 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to



the petitioner no.2 namely, Vijay Rai.

8. So far as, the petitioner no.1 namely, Subodh Ray @ Mahto @ Subodh Kumar is concerned, considering the grievous injury and the specific allegation against him in the F.I.R., I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner no.1 namely, Subodh Ray @ Mahto @ Subodh Kumar to surrender before the concerned Court below within eight weeks from the date of this order and the learned Court below may consider his prayer for regular bail in accordance with law and of its own merits without being prejudiced by this order.

9. Accordingly, the application regarding petitioner no.1 namely, Subodh Ray @ Mahto @ Subodh Kumar stands disposed of.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

