

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9278 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- SIMRI District- Buxar

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Doma Rai @ Doma Ray, Male, aged about 37 years, S/O Late Ghurul Rai
R/O Village- Mukundpur, P.S- Simri, Distt.- Buxar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Simri P.S. Case No. 241 of 2023 dated 16.07.2023 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 447 and 504/34 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons holding with lathi, danda, iron rod, rami and desi pistol etc., came to the informant's house and started abusing and assaulting the informant's brother with intention to kill him who was alone at the house. It is further alleged that they threatened the informant not to file any case, otherwise they would kill him. After the said assault, the informant and his



brother were lying unconscious. It is further alleged that the accused persons broke the leg of the brother of the informant with iron rod and caused cut injury with an axe on the elbow.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 03.06.2023 and the F.I.R. has been lodged on 16.07.2023 after a delay of 43 days for which no explanation has been given by the prosecution. There is no eye witness to the alleged offence. There is general and omnibus allegation against the petitioner. Other co-accused has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 73543 of 2023 under order dated 29.11.2023, annexed as Annexure-P/3 to the bail petition. It is further submitted that the informant's brother Tulsi Rai has been medically examined by the doctor and the doctor has found the injury nos. 1 to 4 are grievous in nature but which are on non-vital part of the body whereas the injury no. 5 is simple in nature. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Buxar in connection with Simri P.S. Case No. 241 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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