

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32869 of 2024

Arising Out of PS. Case No.-769 Year-2023 Thana- MADHAURAH District- Saran

Shankar Rai @ Shankar Ray Son of Kishundev Rai @ Vishundev Ray
Resident of Village- Bauara Patti, P.S.- Morhowrah, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Morhowrah P.S. Case No. 769 of 2023 dated 10.12.2023
instituted for the offence punishable under Sections
341,323,307, and 379/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted
on the middle part of the head of the informant with intention to
kill him.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. There is previous enmity between the parties. There is a
case and counter case between the parties. The counter case
bearing Morhowrah P. S. Case No. 761 of 2023 dated



08-12-2023 has been lodged by petitioner under Sections 147, 149, 341, 323 and 504 of the Indian Penal Code against the informant and others. It is submitted that occurrence took place due to dispute with regard to cultivation of the field and sowing of vegetables in petitioner's land. It is also submitted that the present case has been lodged by the informant after delay of two days without plausible explanation. From perusal of the injury report, mentioned in paragraph No. 19 of the case diary, it transpires that the doctor has found two injuries on the person of injured (informant) i.e., one lacerated wound over scalp 2 ½ long 1/6 wide lower deep and second one is pain right side of chest. The Doctor has opined injury No.1 as simple in nature upon final assessment and regarding injury No.2 is not attributed to the petitioner. Lastly, it has been submitted that petitioner has one criminal case against him which was filed by the brother of the informant.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Saran at Chapra, in Morhowrah P.S. Case No. 769 of 2023, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure,1973.

7. The application stands allowed.

(Khatim Reza, J)

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