

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38777 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- GOPALPUR District- Gopalganj

Shailesh Rai @ Birjan Rai @ Biranjan Rai @ Shailesh Kumar Rai Son of
Suneshwar Rai Resident of Village - Narahwa Shukul, Kinwari Tola, P.S. -
Gopalpur, District - Gopalganj Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

ORAL ORDER

4 07-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Gopalpur P.S. Case No. 19 of 2024 dated 03.02.2024 registered for the offences punishable under Section 341, 323, 324, 307, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have surrounded the informant's uncle and the petitioner assaulted his uncle with farsa on the head due to which he became unconscious and blood started oozing out. When the informant went to rescue, in the meantime, the co-accused Aditya Rai tried to assault his



uncle with an iron rod which did not hit him and the informant sustained injury while rescuing. Thereafter, the other co-accused persons Suneshwar Rai and Satendra Rai also assaulted them with lathi.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per injury report of the injured, Arvind Rai sustained lacerated wound on mid scalp region measuring 2 1/2"x 1/6"x deep to scalp muscle and the opinion is reserved caused by hard and blunt substance. The petitioner had no intention to cause death of the injured, Arvind Rai. The allegation against the petitioner is of inflicting blow of Farsa but no injury was found of Farsa's blow. The petitioner has one criminal antecedent as stated in para 3 of the supplementary affidavit filed on behalf of the petitioner. The petitioner is in custody since 04.02.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the specific allegation of assault with farsa is against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-V, Gopalganj in connection with Gopalpur P.S. Case No. 19 of 2024, with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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