

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43443 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- CHANDI District- Bhojpur

1.

Lal Bahadur Ray @ Lal Bahadur Yadav S/O Late Bhutti Rai R/O Village- Amba Narbirpur, Ichha Bhagat Ke Tole, P.S.- Chandi, Dist.- Bhojpur at Ara
2.

Devendra Ray @ Devendra KUMar S/O Lal Bahadur Ray @ Lal Bahadur Yadav R/O Village- Amba Narbirpur, Ichha Bhagat Ke Tole, P.S.- Chandi, Dist.- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv.
For the State	:	Mr. Jagadhar Prasad, APP
For the Informant/s	:	Mr. Hari Mohan Tripathi, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2

20-07-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Chandi P.S. Case No. 298 of 2023 dated 14.11.2023, lodged under Sections 341, 323, 324, 307, 379, 504 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons including the present petitioners. It has been alleged in the F.I.R. that the accused persons have assaulted the informant and subsequently, allegation against one accused, namely, Nagendra Rai is that he has assaulted by spade on the head of the informant.

4. Learned counsel for the petitioners submits that the

petitioners are innocent and have committed no offence. He further submits that the petitioners are in custody since 04.03.2024 having clean antecedents. He further submits that the accused person against whom there is an allegation, has been granted bail by this Court vide order dated 27.05.2024 passed in Cr. Misc. No. 38495 of 2024 with a condition that he will be released only after three months of framing of charge. He further submits that charge has already been framed in this case.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that it is not a case of Section 302 of the I.P.C. rather a case of Section 307 of the I.P.C.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is specific allegation upon all the accused persons.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIIIth, Bhojpur at Ara in connection with Chandi P.S.

Case No. 298 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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