

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45503 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- CHIRAIYA District- East Champaran

Naresh Ray SON OF Sudama Ray Village- Amgachhi, P.S.- Chiraiya, Dist.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Chiraiya P.S. Case No. 362 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 427, 447, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, in short, is that the F.I.R. named accused persons including the petitioner holding weapons in their hands came at the door of the Informant and attacked on him. On the order of the accused Buden Ray, accused Pannalal Ray gave *farsa* blow on the head of the father of the Informant causing injury with oozing of blood. Accused Vipin Ray, Manjay Ray, Akshay Rai and Sohan Rai also



assaulted the Informant with *lathi* and also snatched gold *Hanumani* of Rs. 8,000/- from the Informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is no specific or direct allegation of assault against the petitioner rather the same is general and omnibus in nature. There is an admitted land dispute going on between the parties. There is a case and counter case between the parties in which both the parties sustained injury. The petitioner was not present at the place of occurrence when the alleged occurrence took place but, with an ulterior motive, the petitioner has been falsely implicated in the present case. The petitioner has no criminal antecedent.

5. Learned counsel for the petitioner further submits that the co-accused Pannalal Ray has been granted regular bail by this Court vide order dated 04.12.2023 passed in Cr. Misc. No. 76930 of 2023.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the



learned counsel for the petitioner as also the petitioner having no criminal antecedent and there being no direct allegation of assault against the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chiraiya P.S. Case No. 362 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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