

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53375 of 2024

Arising Out of PS. Case No.-204 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Santosh Rai Son of Kanhaiya Rai Village- Chandpur, Ps- Baikunthpur, Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Baikunthpur

P.S. Case No. 204 of 2020 registered for the offences

punishable under Sections 341, 323, 324, 325, 307, 448,

380 and 504/34 of the Indian Penal Code.

3. The allegation against the petitioner is to

assault informant and others alongwith other co-accused

persons causing head and bodily injuries, which may likely to

cause their death, where alleged occurrence arises out of



land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case out of land dispute. It is further submitted that allegation of assault is not available against this petitioner rather, same is available against co-accused persons namely, Naresh Rai, Vinod Rai and Ramkishun Rai, where implication of this petitioner appears only for the reason as he is family member of said co-accused persons. It is submitted that allegation against this petitioner is to snatch Rs. 40,000/- during the course of occurrence, which appears only to aggravate the allegation, who is otherwise a man of clean antecedent. It is also submitted that similarly situated co-accused person namely Ashok Ray, has already granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 58542 of 2021 vide order dated 01.06.2022.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances



and by taking note of the fact as allegation of physical assault is not available against this petitioner, where similarly situated co-accused has already granted bail by the learned Co-ordinate Bench of this court, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj/concerned Court below where the case is pending in connection with Baikunthpur P.S. Case No. 204 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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