

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71022 of 2024

Arising Out of PS. Case No.-449 Year-2022 Thana- CHIRAIYA District- East Champaran

Subodh Ray S/O Late Bachhu Ray R/O Vill - Belaghat, P.O. - Sagar Dina
Haraj Nurullahpur Dhaka P.S - Shikarganj Distt-East Champaran, Bihar-
845418

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohd Rustam Hussain, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-12-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Chiraiya P.S. Case No. 449 of 2022 lodged on 21.10.2022, for the offences punishable under Sections 341, 323, 324, 307, 379, 447, 448, 427 & 34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 18 named accused persons (including the present petitioner) and 10 unknown persons. In the FIR, the specific allegation against the co-accused to assault Naresh Rai on his head by which, he became injured.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that there is no specific allegation against the present petitioner. Counsel further submits that the criminal antecedent of the petitioner is clean. Counsel submits that it is the present petitioner who firstly lodged a criminal case against the informant's side for kidnapping of his daughter under provisions of IPC and POCSO Act on 11.10.2022 for the occurrence took place on 02.10.2022 bearing Chiraiya P.S. Case No. 438 of 2022. Counsel submits that with a view to take revenge, the present case has been lodged from the informant's side bearing Chiraiya P.S. Case No. 449 of 2022 for the occurrence took place on 20.10.2022. Counsel further submits that medical report from a private medical center is attached with the present bail application.

5. Learned Counsel for the petitioner further submits that one of the co-accused has been granted bail by this Court *vide* order dated 06.06.2023 passed in Cr. Misc. No.12631 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that earlier case has been filed by the petitioner for kidnapping of his daughter against the informant's side and it appears that due to retaliation,



present case has been filed.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Sikrahna, Sub-Division at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 449 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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