

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76750 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- BARHARA District- Bhojpur

Rajesh Ray Son of Umashankar Ray R/O Village- Turki, P.S.- Barhara,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nityanand Tiwary, Advocate Mr. Ashok Kumar, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s :	Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barhara P.S. Case No. 321 of 2023, registered on 30.05.2023 for the offences under Sections 147, 149, 341, 323, 307 of the Indian Penal Code.

3. As per prosecution case, in the background of a petty dispute, the petitioner and other -accused persons assaulted the informant and allegation against the petitioner is that he gave Fasuli blow to the informant causing fracture of his head. When the elder brother and father of the informant tried to rescue him, they were also assaulted.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case and allegations and false and concocted against the petitioner. A fight took place between two groups during a dance programme and both sides lodged FIR and the counter version of the present case is Barhara P.S. Case No. 322 of 2023 registered under Sections 341, 323, 307/34 of the Indian Penal Code against the informant and others,. Learned counsel further submits that the specific allegation against the petitioner is that he gave Fasuli blow on the head of the informant but no injury report was brought on record and the learned Additional Sessions Judge has also mentioned this fact in the rejection order. Learned counsel further submits the good sense has prevailed between the parties and the parties have entered into compromise and nothing remains in the matter since there is no ingredient of offence under Section 307 of the Indian Penal Code and other offences are compoundable. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and absence of



injury report and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara/concerned court in connection with Barhara P.S. Case No. 321 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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