

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75184 of 2024

Arising Out of PS. Case No.-855 Year-2023 Thana- SIKARPUR District- West Champaran

Opindra Rai @ Opendra Rai @ Kopindra Rai S/o- Late Banarsi Rai Resident
of village- Dhobaha Ps- Shikarpur District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Shikarpur P.S. Case No. 855 of 2023 instituted for the offences under Sections 341, 323, 324, 307, 354-B, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, the accusation has been made against the petitioner of assaulting with *Farsa* on the head of the Informant due to which he sustained grievous injury on his head and fell down. It is further alleged that when his daughter-in-law came to rescue, she was also assaulted by the named accused persons.

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. There is a case and counter case between the parties and from the side of the petitioner, Shikarpur P.S. Case No. 856 of 2023 has been registered and, after getting the knowledge of the same, the present case has been brought into existence with ulterior motive. He further submits that though the allegation has been made against the petitioner of assaulting by *Farsa* on the head of the Informant but, from the injury report, it appears that the injury has been caused by hard and blunt substance which creates doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.05.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner under Sections 341, 323, 307, 504/34 of the Indian Penal Code and cognizance has also been taken on 01.08.2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is direct allegation of assault by *Farsa* against the petitioner. The offence alleged is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shikarpur P.S. Case No. 855 of 2023.

(Rudra Prakash Mishra, J)

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