

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76375 of 2024

Arising Out of PS. Case No.-322 Year-2024 Thana- CHIRAIYA District- East Champaran

Kanhaiya Kumar Son of Raj Kishore Sah Resident of Village - Semra, P.S. -
Chiraiya, District - Motihari (East Champaran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad Singh, Adv.

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

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

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chiraiya P.S. Case No. 322 of 2024 instituted for the offences under Sections 126(2), 351(3), 115(2), 109, 76, 303(2), 352, 3(5) of the B.N.S.

3. As per prosecution case, the accusation against the petitioner is of assaulting by iron rod upon the head of the Informant due to which he sustained head injury and blood started to oozing out. It is further alleged that when the Informant's wife came to rescue, then the petitioner pushed and torn her clothes as also snatched out a gold chain worth of Rs. 40,000/- from the neck of Sheopukari Devi.



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. The petitioner and the Informant are own family members as nephew and uncle and there are land disputes between them. There is a case and counter case between the parties. Both the parties have sustained injuries and the injury sustained by the Informant side is simple in nature. The Informant of this case is the aggressor and have brutally assaulted the family of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 01.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 Chiraiya P.S. Case No. 322 of 2024.

(Rudra Prakash Mishra, J)

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