

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78340 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- RAJEPUR District- East Champaran

Birendra Rai @ Virendra Ray S/o- Kishundeo Rai @ Kishandeo Rai, Resident
of village - Mal Madhuaha P.S.- Rajepur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2024 Heard Mr. Ajay Kumar Singh, learned counsel for
the Petitioner and Mr. Gauri Shankar Gupta, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Rajepur P.S. Case No. 121 of 2024 dated 16.06.2024
registered for the offences punishable under Sections 341, 323,
324, 307, 504 and 506 read with Section 34 of the Indian Penal
Code.

3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner has fair and clean
antecedent, as per prosecution story, he inflicted *Dabiya* blow at
the head of the informant and *Dabiya* comes under the purview
of sharp edged weapon but as per the injury report of the
informant, only lacerated wounds on his right parietal region



and below the right upper elbow were found which shows that the informant was not assaulted by a sharp edged weapon and further, the injuries of the informant have been opined to be simple in nature and the informant and this petitioner are real brother and in between them there is a land dispute.

4. Learned APP for the State has opposed the prayer for bail of the petitioner but fairly accepted that the allegation levelled against this petitioner as to assaulting the informant by means of a *Dabiya* is not getting corroboration from the medical opinion with regard to the nature of the injury of the informant.

5. Considering the facts and circumstances of this case as well as above submissions and mainly the land dispute which is running in between both the parties who are close relatives coupled with the fair and clean antecedent of the petitioner and also the nature of injury to the informant, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Rajepur



P.S. Case No. 121 of 2024, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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