

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79766 of 2024

Arising Out of PS. Case No.-769 Year-2023 Thana- MADHAURAH District- Saran

Subhash Rai S/o- Kishundeo Rai Village- Bahuara Patti PS-Marhowrrah
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Morhowrah P.S. Case No. 769 of 2023 dated 10.12.2023, instituted for the offence punishable under Sections 341, 323, 307, 379/34 of the Indian Penal Code.

3. The allegation against the petitioner and other co-accused persons is that they assaulted the informant and his son by means of sword, iron rod and *Daab*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is specific allegation against Shankar Rai, who assaulted on the middle part of the head of the informant with an intention to kill him. It is submitted that



another co-accused, namely, Sameer Kumar assaulted by means of *Daab* on the person of the son of the informant, who sustained injury. It is submitted that there is no specific allegation against the petitioner rather the allegation against him is general and omnibus. It is further submitted that Shankar Rai @ Shankar Ray has been granted anticipatory bail by this court *vide* order dated 23.08.2024 passed in Criminal Miscellaneous No. 32869 of 2024 and another co-accused, namely, Kishundeo Rai has been granted regular bail by this Court *vide* order dated 11.03.2024 passed in Criminal Miscellaneous No. 14938 of 2024. It is also submitted that informant and petitioner are co-villager and next door neighbour. It is submitted that there is a dispute between the parties with regard to *Rasta*. Lastly, it has been submitted that he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Morhowrah P.S. Case No. 769 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
C.J.M., Saran at Chapra, subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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