

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81716 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- GARKHA District- Saran

Harendra Ray, S/O Late Kamla Ray, R/O Village- Bhuie Gaon, P.S. Gakha,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 06-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks regular bail in connection with
Garkha P.S. Case No. 143 of 2023 for the offences registered
under Sections 341, 323, 324, 307, 506, 504/34 of the Indian
Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, on the date of
occurrence F.I.R. named accused persons including the
petitioner and four unknown persons armed with weapon came
and surrounded the informant and his sons and started firing.
Petitioner is alleged to have caused injury on the head of
Chandan Rai, son of informant with iron rod. Co-accused
Avinash Rai is alleged to have caused injury on the hand of the
informant. Rahul Rai is alleged to have caused injury on the



head and leg of Akhilesh Rai, son of informant. Other accused persons also assaulted the informant and his sons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. There is case and counter case between the parties due to land dispute. Petitioner has also received hand injury which is grievous in nature. Petitioner has no criminal antecedent. He is in custody since 02.10.2023. There is no allegation of repetition of blow. Accordingly, there is no intention to kill the injured Chandan by the petitioner. Injury on the injured was caused due to *mar-pit* taken place between the parties on the spur of moment. Charge-sheet has already been submitted. There is no chance of tampering with the evidence or absconding of the petitioner.

5. Learned counsel appearing on behalf of the State assisted with learned counsel for the informant oppose the prayer for grant of bail to the petitioner.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioner, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned concerned Court where the case is pending in connection with Garkha P.S. Case No. 143 of 2023, subject to following conditions:-

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(Sunil Dutta Mishra, J)

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