

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5230 of 2025

Arising Out of PS. Case No.-224 Year-2024 Thana- SIDHWALIYA District- Gopalganj

Bijay Rai, S/O Late Harihar Rai, R/O Village- Bucheya Kalitola, P.S-
Sidhwalia, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2025 Heard Mr. Ram Sandesh Roy, learned Advocate for
the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sidhwalia P.S. Case No. 224 of 2024 registered for the offences punishable under Sections 329(3), 126(2), 115(2), 118(1), 109, 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Based upon the written report, the prosecution alleges that on the fateful day, all the F.I.R. named accused persons, including the petitioner, armed with deadly weapon came at the land of the informant and tried to grab the same. It is further alleged that the petitioner along with co-accused Binit Rai and Ganesh Rai caught hold the informant and this petitioner had assaulted him by means of *Farsa*, due to which he



sustained serious injury over his head. Further allegation levelled against the co-accused persons in causing assault to the other persons.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that there is admitted land dispute between the parties, resulting into a free fight, leading to institution of case and counter case being, Sidhwalia P.S. Case No. 225 of 2024. It is further contended that in the free fight, as has taken place between the parties, the petitioner has also suffered injuries along with the informant. The injury report of both the informant as well as the petitioner have been placed on record as Annexures- 3 and 4 to the bail application. Referring to the injury report of the informant, it is contended that the same has been found to be simple in nature, caused by hard and blunt object. Attention of this Court has also drawn to the injury sustained to the petitioner. It is lastly contended that be that as it may, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner assaulted the informant by means of *Farsa* over the vital part of



the body.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury and the factum of case and counter case, coupled with the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gopalganj in connection with Sidhwalia P.S. Case No. 224 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

