

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51818 of 2025

Arising Out of PS. Case No.-890 Year-2024 Thana- MANER District- Patna

Krishna Rai S/o Late Ram Dayal Rai R/o Village- Brahmachari, P.S.- Maner,
District- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manoranjan Kumar, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Kamlesh Prasad Yadav, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-08-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 191(2), 190, 109, 115 (2),
117(2), 76, 303(2), 324(4), 329(3), 352 and 351 (2) of the
Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the first information
report has been registered against 22 accused persons including the
female family members of the family. The allegation is that all the
accused persons came variously armed and barged into the house
of the informant and destroyed the house hold articles of the
informant. It is further alleged that on the instructions of
Munindra Rai, Krishna Rai (petitioner), Devendra Rai and Ram
Kumar Rai assaulted on the head of the informant indiscriminately
with the butt of the pistol due to which he sustained head injury. It
is further alleged that when the informant's father tried to
intervene in the matter and to save him he was also assaulted by



other co-accused persons.

4. It is submitted by learned counsel for the petitioner that perusal of the first information report would show that the entire family has been made accused in the case and it would also appear that the incident has originated out of land dispute with regard to drainage. It is further submitted that a case has also been filed on behalf of the petitioner with regard to the same incident of 20.12.2024 on 21.12.2024, making the informant and others accused in the said case, whereas the present case has been lodged by the informant after inordinate delay on 25.12.2024 and the fardbeyan of the said case was recorded on 21.12.2024. It would, thus, appear that the case of the petitioner's side was earlier in point of time. It is further submitted that there is general and omnibus allegation on three persons of indiscriminate assault by means of butt of the pistol. However, the injury report, as against the allegation of indiscriminate assault by the butt of the pistol, shows one injury to be grievous in nature as indicated in the bail rejection order. However, it is submitted that the Section 109 of the B.N.S. would not be attracted in the facts of the present case. In case the petitioner and the accused persons were armed with pistol, there was nothing stopping them from using the same by firing at the informant if the intention was to kill. It is pointed out that similarly situated co-accused, Ram Kumar Ray has already been granted bail by this Court vide order dated 27.05.2025 passed



in Cr. Misc. No.33781 of 2025. Further, charge-sheet has been submitted in this case, the petitioner has no criminal antecedent and has been languishing in custody since 21.04.2025.

5. Learned APP for the State opposed the bail petition.

6. Taking into consideration the facts and circumstances of the case as well as the facts that there is case and counter case between the parties, charge-sheet has been submitted and the petitioner is a senior citizen, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Maner P.S. Case No.890 of 2024, subject to the condition that petitioner would appear before the learned Court below on each and every date till the framing of charge and in case of non-appearance of the petitioner on two consecutive dates without sufficient reason, the learned Court below would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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