

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72148 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- DIGHA District- Patna

Ramyad Rai S/O Late Rajendra Rai R/V- Nakta- Diara, P.S- Digha, Distt.- Patna at present R/v- Digha Hatt, Mica Colony, P.S- Digha, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.
Mr.Arvind Kr. Srivastava, Adv.
Mr.Satyendra Kr. Bhatnagar, Adv.
Mr.Santosh Kr., Adv.
Mr.Krishna Murari Pd., Adv.
Mr.Kumar Shivam Sinha, Adv.
For the State : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Digha P.S. Case No. 330 of 2024 registered for the offences punishable under Sections 447, 341, 324, 323, 307, 379, 34 of the Indian Penal Code.

3. As per prosecution case, on 02.06.2024 informant was going to Kurji from Ghurdaur Road by Scorpio vehicle and when he reached Kurji More, petitioner along with others came



on Bullet and co-accused Manoj Rai and Rakesh Rai caught hand of the informant from behind and co-accused Bhagirath Rai ordered to fire. It is alleged that informant was assaulted by means of butt of revolver on head with intention to kill due to which he sustained head injury. It is further alleged that co-accused started assaulting the informant by means of rod and bamboo due to which he sustained injury on the hand. It is further alleged that chain of the informant was also snatched.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that there is no specific allegation against the petitioner rather the same is general and omnibus in nature and hence, no offence is made out under Section 307 of the IPC against the petitioner. He further submits that there is case and counter case between both the parties on the same date of occurrence in which free fighting cannot be ignored. He further submits that on 02.06.2024 petitioner's side has also lodged a case against the informant and others and the present case is nothing but counter blast of case filed by the petitioner's side. He further submits that though there is allegation against



the petitioner and others but informant sustained only one injury which is simple in nature which is inconsistent with the allegation made in the FIR.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Patna in connection with Digha P.S. Case No. 330 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, at the time of furnishing bail bond, the petitioner shall undertake that he does not have criminal antecedent of more than two cases, as mentioned in para-3 of the bail petition and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court



shall take step for cancellation of bail bond of the petitioner.

(Alok Kumar Pandey, J)

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