

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73116 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

Shankar Ray Son of Mahendra Ray @ Mahindra Ray Village- Pirakhpur @
Pirakhapur, Ps- Bochahan, Dist- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rupesh Kumar, Adv. Md. Ejaz Akhter, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Ms. Anju Jha, Adv. Mr. Bhavendra Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bochahan P.S. Case No. 169 of 2024, registered on 23.07.2024, for the alleged offences under Sections 126(2), 115(2), 118(1), 109, 74, 303(2), 352, 351(2), 351(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons came to the doors of the informant and hurling abuses assaulted the informant, causing fracture of his head. When the wife of the informant tried to save him, she was also assaulted with bamboo stick and belt and the assailants snatched the gold *Mangalsutra* and *Jyutiya* from the informant apart from cash of Rs. 9450/-.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant and the petitioner are on inimical terms and for the occurrence of same date and time, Bochahan P.S. Case No. 170 of 2024 has been lodged against the informant side. A free fight took place between two groups and both sides sustained injuries. Though there is specific allegation of assault against the petitioner with iron rod on the head of the informant, the injury report shows simple injury. Similarly, the wife of the informant has also received a single injury. Charge-sheet has been submitted against the petitioner and one co-accused Nand Kishor Ray. The petitioner is in custody since 24.07.2024 and he is having one criminal antecedent.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the petitioner for causing injury on the head of the informant and the injury report corroborates the injury, which is a lacerated injury on head. Learned counsel further submits that initially the petitioner has not disclosed about his criminal antecedent and when criminal antecedent was called for by the Court, a supplementary affidavit has been filed disclosing the criminal antecedent of the petitioner.



06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case of the parties and further considering the simple nature of injuries and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Muzaffarpur (East) in connection with Bochahan P.S. Case No. 169 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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