

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74225 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- RAGHOPUR District- Vaishali

Sohan Ray S/o- Ganga Bishun Ray village- Ibrahimabad PS-Raghopur
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate
For the State : Mr. Shailendra Kumar, APP
For the Opposite Party/s : Ms. Rekha Prasad, Advocate
Ms. Kumari Priyanka, Advocate
Ms. Anamika Priyadarshi, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 13-05-2025 Heard learned Counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
323, 324, 385, 307, 504 and 506 of the Indian Penal Code.

3. The allegation in the First Information Report is
that as many as 27 accused persons, came to the house of the
informant variously armed with an intention to grab his land and
the allegation on petitioner is that he, at the instance of one
Munarik Rai, assaulted the informant with the butt of the pistol



on his head. Further, there is other allegation on co-accused Bharat Rai that he assaulted the informant on his head with iron rod and along with other accused persons, who also assaulted the informant on the head.

4. Learned counsel for the petitioner submits that allegations in the First Information Report, as would appear, are general and omnibus in nature and the specific allegation of assault upon the informant with iron rod on his head is upon one Bharat Rai and so far as the petitioner is concerned, the allegation is of assaulting the informant with the butt of his pistol. The very fact that the butt of the pistol is used makes it clear that there could have been no intention to kill on the part of the petitioner. It has also been submitted that the present case is a counter-blast of one Raghapur P.S. Case No.121 of 2024 dated 07.05.2024 lodged by co-accused Karu Rai against the present informant and others in which the injuries had been received on the side of the accused persons also.

5. Learned counsel for the informant, however, controverts the contentions made by the learned counsel for the petitioner and submits that the petitioner is also responsible for the injuries caused upon the informant as there is an allegation on him as well that he assaulted by means of the pistol and it has



also been submitted by learned counsel appearing for the informant that the petitioner is an accused in one more case other than the three cases mentioned in the petition. In response to the same learned counsel for the petitioner submits that in three cases that were known to the petitioner, he has already been granted the privilege of bail. However, the petitioner is also an accused in other case being Raghupur P.S. Case No. 72 of 2000. The injury report of the informant and the injured Lalu Singh would go to show that he has received injuries which is a lacerated wound on the right parietal area of scalp and also a fracture on the left parietal bone and the injuries are grievous in nature. However, it has also been indicated that the said injury has been caused by solid, round, cylindrical round object like *lathi* or rod and on the facts of the case, the said injury becomes attributable to co-accused Bharat Rai, who is said to have assaulted with an iron rod.

6. Considering the above facts and circumstances, I am inclined to extend the privilege of anticipatory bail to the petitioner, however the same would be done after verification of the criminal antecedent of the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur, in connection with Raghopur P.S. Case No.129 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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