

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78096 of 2024

Arising Out of PS. Case No.-813 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Manoj Rai Son of Late Mohan Rai Resident of Village - Ahiyapur, P.S. -
Ahiyapur, District - Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the APP : Mr. Satya Nand Shukla, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 354B, 379, 504, 506, 427 of the Indian Penal Code, 1860.

3. The prosecution case, as disclosed in the FIR, would go to show that about six accused persons along with 2-3 unknown had entered the house of the informant and started assaulting. There is allegation on accused Manoj Rai (petitioner) that he was trying to press the neck of the informant and when her father Lal Babu Rai came to save her, petitioner Manoj Rai also assaulted her father, whereafter she alleges that she became unconscious. It is further alleged that upon regaining



consciousness, her father informed her that petitioner Manoj Rai had assaulted him on his head by means of the butt of a pistol due to which he has sustained serious injury above his right eye.

4. Learned counsel for the petitioner submits that the entire occurrence is said to have happened on account of admitted land dispute between the parties, who belong to the same family. It is further submitted that a dispute had taken place on the date of occurrence, no doubt, between the parties in which there was a free fight between them and both the sides had suffered injuries on account of such dispute. The FIR of Ahiyapur P.S. Case No. 830 of 2024 dated 22.06.2024 lodged by the daughter of the petitioner has been brought on record along with the medical prescription of the daughter of the petitioner which are both annexed as P/2 and P/3 to the present application.

5. Learned APP for the State opposes the prayer for anticipatory bail on the ground that the injured has suffered serious injuries at the hand of the present petitioner to which the learned counsel for the petitioner replies that the injury which has been sustained by the injured Lal Babu Rai could be caused by falling upon some sharp objects as the occurrence had taken place on the construction site where there were a



number of bricks, etc. on the ground. His further submission is that the allegation of assault with the butt of pistol does not at all seems true and it may also be gathered here that had there been an intention to kill any person, the pistol would have been used and instead of the same, it has been stated that the injury was caused by the butt of a pistol. Learned counsel further submits that the injury sustained also does not appear to be corroborating to the allegation of assault by butt of pistol.

6. Considering all the facts and circumstances of the case and also that petitioner has no criminal antecedent, I am inclined to grant the privilege of anticipatory bail to 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 CJM, Muzaffarpur in connection with Ahiyapur P.S. Case No. 813 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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