

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77912 of 2025

Arising Out of PS. Case No.-114 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Subodh Rai @ Subodh Kumar, S/o Bindeshwari Rai, R/o village- Panditpur,
Badagachhi, P.S.- Piprakothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar, Advocate
	Ms. Harsha Shaswat, Advocate
For the Opposite Party/s :	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Piprakothi P.S. Case No. 114 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 354, 379, 307, 447, 504 and 506 of the Indian Penal Code.

3. On the fateful day, while the informant and other family members were sitting on the door, in the meanwhile, all the accused persons variously armed came there and started demanding extortion. On protest being made, the accused persons brutally assaulted the informant and others. It is specifically alleged that this petitioner has assaulted the uncle of the informant (Yogendra Rai) over his head, however, the injury caused over his hand, when he tried to save himself. The



petitioner further assaulted the injured over his leg.

4. Learned Advocate for the petitioner submitted that besides the fact that there was previous enmity and a counter version of the present case, bearing Piprakothi P.S. Case No. 113 of 2023, which is on earlier point of time, the petitioner is a victim of false implication and the injuries, which are allegedly sustained to the informant's uncle and attributed to the petitioner, is found to be simple in nature. Taking this Court through the impugned order, learned Advocate submitted that so far the lacerated wound on the back of the right shoulder is concerned, the same has been found to be simple in nature and the injury, which is sustained over the left shoulder/left scapula below shoulder joint, the same is found to be grievous in nature, but from the narratives of the F.I.R., it is evident that it is Sheo Bachchan Rai, who has also assaulted the informant's uncle by means of Chura, due to which he sustained injury over his shoulder. There is no injury over the hand and leg of the informant's uncle and, as such, the entire prosecution case falls to the grounds. The false implication of the petitioner is said to be two criminal antecedent, as has been mentioned in para. 3 of the bail application, however, the petitioner is on bail in both the cases. It is lastly contended that other co-accused persons, who



are also involved in the crime, they have been accorded the privilege of anticipatory bail in Cr. Misc. No. 4946 of 2024 vide order dated 17.02.2024, the copy of which is placed on record, as Annexure-P/3 to the application.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that besides the fact that the petitioner bears two criminal antecedent, he has brutally assaulted the informant's uncle, due to which he sustained injuries over his shoulder.

6. Regard being had to the submissions advanced by the learned Advocate for the parties and taking note of the fact that there is no injuries over the hand and leg, which is attributable to the petitioner, as has been discussed in the impugned order; besides the factum of case and counter case, coupled with the fact that other co-accused have been allowed the privilege of anticipatory bail, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection



with Piprakothi P.S. Case No. 114 of 2023, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further conditions

(i) One of the bailors shall be the own/close relative of the petitioner.

(ii) In case, the petitioner shall be found indulged in such type of crime in future, the informant and the State shall be at liberty to file an application for cancellation of his bail bonds.

(Harish Kumar, J)

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