

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38028 of 2018

Arising Out of PS.Case No. -57 Year- 2017 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Baiju Rai, Son of Late Baldeo Rai, resident of Village- Alaula, P.S.
Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Kalyanpur P.S.
Case No. 57 of 2017 for offences punishable under Sections 341,
323, 354, 504, 307, 34 of the Indian Penal Code and ¾ of the
Witchcraft Practices Prohibition Act.

The prosecution case, as lodged by the informant, is
that while she was feeding her buffalo at her door, the petitioner
came and abused her and called his family members. Thereafter all
the family members came and started assaulting the informant.
Specific allegation upon the petitioner is to have given knife blow
on her head and eyes.



It has been submitted by the learned counsel for the petitioner that he is innocent and the two cases are pending against him in those cases final form has been submitted and no such overt act has been done by the petitioner. He further submits that some of the co-accused have been granted pre-arrest bail and the petitioner is languishing in judicial custody since 09.05.2018. He submits that the injury found on the informant has been opined to be simple in nature and caused by hard and blunt object. He undertakes to co-operate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 9th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 57 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable



property, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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