

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40970 of 2018

Arising Out of PS. Case No.-71 Year-2016 Thana- RAJPUR District- East Champaran

Jaikaran Rai S/o Ganesh Rai, R/o Vill.- Nonimal, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Rajepur P.S. Case No. 71 of 2016 registered for the offence punishable under Sections 307, 379 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he went to his house after watering his field, he found the petitioner along with co-accused Ganesh Rai cutting the fence of his field. On objection, the petitioner along with other accused persons variously armed with iron rod and garasa came and assaulted the informant and his family members. Specific allegation upon the petitioner is of assaulting the informant by means of garasa on his head.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there was a petty dispute between both the parties, as they were co-villagers and some of the co-accused have already been granted pre-arrest bail and the petitioner is languishing in judicial custody since 27.03.2018. He further submits that the injury report after X-ray and C.T. Scan suggests only lacerated wound on the scalp and the medical opinion of injury being grievous is not on the vital part of the body. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar at Motihari in connection with Rajepur P.S. Case No. 71 of 2016, subject to the conditions that:

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



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

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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