

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12951 of 2019

Arising Out of PS. Case No.-217 Year-2015 Thana- LALGANJ District- Vaishali

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Arun Rai, Son of Jiyalal Rai, R/o village- Sarariya, P.S- Lalganj, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.11.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 307, 302, 324 and 120B of the Indian Penal Code.

The prosecution case as per the fardbeyan of Baban Kumar, recorded by S.I.-cum-S.H.O., Suman Kumar, Lalganj P.S. dated 30.07.2015 at 03.30 P.M. at Sadar Hospital, Hajipur is to the effect that on 30.07.2015, the informant along with his



father, Dilip Kumar Nanda, grand-mother, Raj Kumar Devi, grand-father, Asarfi Rai and uncles, Santosh Kumar and Sanjay Kumar went to sow the paddy in their agricultural field. While returning, the wife of one Anil Rai, started abusing the informant and blamed him for putting her husband in jail. It is specifically alleged that co-accused Pankaj Rai assaulted with Farsa on the back of the neck of the father of the informant, as a result, the father of the informant fell down. Thereafter, the co-accused Pankaj Rai gave second blow on the shoulder of the father of the informant. It is alleged against the petitioner that he assaulted with Farsa on the head of the uncle of the informant, Sanjay Kumar, as a result, he received grievous injury. Thereafter, the co-accused, Bipin Rai assaulted with Farsa on the grand father of the informant, Asarfi Rai causing cut injury on his hand and leg. On alarm being raised, when the villagers came, all the accused persons escaped from the scene. It is further alleged that subsequently, the father of the informant, Dilip Kumar Nanda succumbed to his injuries.

It is submitted by learned counsel for the petitioner that the co-accused Pankaj Rai was the main assailant who assaulted the father of the informant and there is no accusation



against the petitioner of repeating the blow. It is further submitted that the investigation has already been concluded and other similarly situated co-accused Andhi Lal Rai has been granted bail by Co-ordinate Bench of this Court vide order dated 27.11.2015 passed in Cr. Misc. No.53549 of 2015 and co-accused Bipin Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 28.03.2017 passed in Cr. Misc. No. 12684 of 2017. It is further submitted that apart from the present case, the petitioner is also made accused in one other case in which he is on bail.

Learned APP for the State submits that there is specific accusation of assault against the petitioner.

Considering the fact that the accusation of assault to the deceased is not levelled against the petitioner and the impugned order does not suggest the nature of injury being caused to the Sanjay Kumar, who was assaulted by the petitioner, let the above named petitioner 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 **C.J.M., Vaishali at Hajipur** in connection with **Lalganj P.S. Case No.217 of 2015.**

Since in a case of 2015, the petitioner was arrested in



the year 2018, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets substantially involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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