

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63391 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- RAJEPUR District- East
Champaran

- =====
1. GAJADHAR RAI Son of Late Bhuneshwar Rai Resident of Village - Tajpur, Saraiya, P.S.- Rajepur, Distt - East Champaran.
 2. Rajendra Rai Son of Gajdhar Rai Resident of Village - Tajpur, Saraiya, P.S.- Rajepur, Distt - East Champaran.
 3. Ashok Rai Son of Gajdhar Rai Resident of Village - Tajpur, Saraiya, P.S.- Rajepur, Distt - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Md. Anisur Rahman, Advocate.

For the Opposite Party: Mr. Ansar Ul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 341, 323, 307 of the Indian Penal Code registered in connection with Rajepur P.S. Case No. 22 of 2019 (G.R. No. 1165 of 2019).

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties. There is delay in institution of the F.I.R. on 23.02.2019 for the alleged occurrence of 16.02.2019. The petitioner no. 2 is said to have assaulted the informant on his head with *bhala* while



petitioner nos. 1 and 3 are said to have assaulted the informant on his back with *lathi*. The injury report discloses that injury nos. 1 and 2 are incised wounds on the head which are however simple in nature. Injury no. 3 is in fact no injury at all rather a mere reference to SKMCH, Muzaffarpur, Ortho specialist, yet the same is said to be grievous in nature. There is also nothing in the order of the learned Sessions Judge to suggest that grievous injury has been sustained by the informant. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Rajepur P.S. Case No. 22 of 2019 (G.R. No. 1165 of 2019). subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the



investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to the informant; conversely, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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