

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79857 of 2019

Arising Out of PS. Case No.-293 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. Rajesh Kumar, Son of Papu Saw, Resident of Village - Ramnagar, P.S.- Amhara (Lakhisarai), District- Lakhisarai
2. Suraj Kumar, Son of Papu Saw, Resident of Village - Ramnagar, P.S.- Amhara (Lakhisarai), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are in custody since 18.09.2019 in connection with Lakhisarai (Amahara) P.S. Case No.293 of 2019 registered for the offence under Sections 147, 148, 149, 323, 324, 337, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that admittedly, the occurrence took place on account of grazing of maize field of Paro Devi by the goat of Pappu Sao.

It is alleged in the F.I.R. that the petitioner Rajesh Kumar with iron Katta came over the place and gave blow over the head, left hand and nose of one Manoj Ram who



became unconscious and petitioner Suraj Kumar came there with iron Khanti and gave blow over the head and left hand of Anuj Ram. Pappu Sao also assaulted Anuj Ram with iron rod and gave blow on his right shoulder.

Learned counsel for the petitioners submits that there is delay in filing of the F.I.R. ,though the occurrence is of 01.04.2019, the F.I.R. was lodged on 03.04.2019 which caused serious cloud on the prosecution story. It is further submitted that all other co-accused have been granted bail by the court below and the narration of the injury as stated in the F.I.R. does not match with the injury report. It is submitted that the petitioners are not having any criminal antecedents.

Considering the aforementioned facts and circumstances of the case and that the alleged occurrence took place on account of petty dispute of grazing of maize field, let both the petitioners, above named, be released on bail on their furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai (Amahara) P.S. Case No.293 of 2019, subject to the following conditions:

(1) One of the bailors will be the blood relative of



the petitioners, preferably, father, mother, brother, sister and/or their wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

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

(4) The petitioners shall co-operate 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.

(Anjana Mishra, J)

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