

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32638 of 2020**

Arising Out of PS. Case No.-312 Year-2019 Thana- GARKHA District- Saran

Arbind Rai @ Arvindra Rai, Son of Rajendra Rai, Resident of Village-
Himmatpur, Police Station- Garkha, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Surendra Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Garkha P.S. Case No. 312 of 2019 registered
for the offence under Sections 147, 341, 323, 324, 379, 307,
504, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the First Information Report this petitioner had assaulted his co-
sharer Pappu Kumar Rai (informant) by a daab causing two
injuries on his nose. He had also assaulted Manoj Rai on his



hand and the said Manoj Rai had suffered bruises on right forearm. Learned counsel submits that there is no allegation of repetition of blow on the nose of the informant and as long as the informant was being treated at Biharsharif no serious injury was found on his nose but later on an injury report has been fabricated showing two injuries on his nose and that is said to be grievous.

Learned counsel further submits that both the parties are co-sharers, they are the Pattidar and they had a dispute over possession of a piece of land in respect of which Gram Kutchery had given a direction to maintain status quo vide Annexure '2 series' but the informant wanted to raise a construction on the said land whereupon the alleged occurrence took place. Learned counsel further submits that this petitioner has otherwise no criminal antecedent, his marriage was fixed on 28.06.2020 but he was arrested on 21.06.2020, thereafter he was granted provisional bail by learned court below for the period 27.06.2020 to 01.07.2020 and thereafter the marriage was solemnized. Petitioner surrendered thereafter and he is in custody since 01.07.2020 again.

Learned counsel submits that in the totality of the facts and circumstances of the case, the nature of the dispute,



the relationship between the parties and that the petitioner has otherwise no criminal antecedent and has remained in jail for almost six months, investigation against him is complete and he is ready to appear in course of trial as and when required, he may be released on bail.

Mr. Surendra Prasad Singh, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case, as noticed the nature of dispute and the relationship between the parties and then the petitioner has remained in jail in connection with this case during investigation, now investigation is complete and there is no submission on behalf of the State that his release is otherwise likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.XIV, Saran at Chapra in connection with Garkha P.S. Case No. 312 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

