

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12954 of 2021**

Arising Out of PS. Case No.-107 Year-2020 Thana- BASOPATTI District- Madhubani

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RABINDRA DAS @ RABINDRA KUMAR SON OF FEKAN DAS R/o
village- Rajot, P.S.- Basopatti, District- Madhubani

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad, APP

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

4 27-08-2021 Heard learned counsel for the petitioner and Mr.
Harendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Basopatti P.S. Case No. 107 of 2020 corresponding to C.R.I. No. 942 of 2020 registered for the offences punishable under Sections 448, 341, 323, 325, 307, 354B, 380, 427 and 506/34 of the Indian Penal Code. He is in custody since 18.11.2020 having no criminal antecedent.

According to the prosecution story when the informant went towards gachhi for natural call and was returning from there, he saw Yogendra Das and Ravindra Das (this petitioner) were fighting with each other. He went to stop the fighting but both of them had a scuffle with the informant.

He alleges that on seeing that the petitioner was quarreling with the informant, the family members of this petitioner who are named in the F.I.R. came there lashed with lathi and rod in their hands and ran towards the informant. They assaulted him causing fracture of his rib. After the occurrence the accused persons took away the belongings from his house and also acted indecently with the bhabhi of the informant. It is alleged that they took away the gold ornaments and some money after breaking the locks. Learned counsel for the petitioner submits that so far as the present petitioner is concerned, he has not been attributed with any weapon in his hand and the allegation of causing assault is against the four named accused who are members of the family of the petitioner. The allegations of committing indecent act with the bhabhi of the informant and taking away ornaments and money are only ornamental allegations, completely vague and concocted.

Learned counsel submits that at this stage he has got a copy of the injury report and he may say with responsibility that the injury report indicates two injures on the body of the informant. Learned counsel, however, reiterates that there is no allegation of assault against this petitioner. The learned Sessions Judge has recorded that the injury report given by P.H.C.,

Basopatti has stated no bone injury though the Medical Officer, Sadar has described the injury found on the body of the informant as grievous in nature which is caused by hard and blunt substance.

Mr. Harendra Prasad, learned A.P.P. for the State is present. He has received the case diary and has opposed the prayer for bail of the petitioner but does not controvert the above submissions.

Considering the facts and circumstances of the case discussed hereinabove, there being no allegation of assault against this petitioner, this Court is inclined to release the petitioner on bail. Let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sri G.P. Gupta, Judicial Magistrate-1st Class, Madhubani in connection with Basopatti P.S. Case No. 107 of 2020 corresponding to C.R.I. No. 942 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.