

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12924 of 2021**

Arising Out of PS. Case No.-204 Year-2020 Thana- MADHUBAN District- East Champaran

LAXMAN RAI @ LAXMI RAI @ LAXMAN RAY Son of Rajinand Rai
Resident of Village - Bishunpur Devjeet, P.S.- Madhuban, District - East
Champaran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan,Advocate
For the Opposite Party/s : Mr.Md.Fahimuddin,APP

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

2 16-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Madhuban P.S. Case No. 204 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story while the informant was sowing paddy crop in his field, FIR named accused persons including this petitioner lased with illegal weapons surrounded him and threatened him. It is alleged that when the informant protested, this petitioner armed with country-made pistol shot fire upon



one Nidhi Kumari.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the allegation against the petitioner is of firing from his pistol upon one Nidhi Kumari but from the injury report, it would appear that all the injuries were caused by hard and blunt object and are simple in nature. It is further submitted that there is a case and a counter case of the same occurrence. The petitioner is in custody since 11.07.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the submissions of learned counsel for the petitioner that on account of a land dispute over sowing of paddy crop both the parties have indulged in a free fight and assaulted each other giving rise to a case and a counter case (Annexure '1' and '2' series) on the same day, both the parties suffered injuries, the petitioner has been named one amongst the 11 accused named in the FIR (Annexure '1') and the allegation against him is that he fired from his pistol upon one Nidhi Kumari, however, submission being that from the



injury report (Annexure '3') it may be found that all the injuries were caused by hard and blunt object and are simple in nature, the petitioner is in custody for more than 11 months and the investigation against him is complete, he has otherwise no criminal antecedent, considering all these, this Court directs release of the petitioner above named 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.-IV, Motihari, East Champaran, in connection with Madhuban P.S. Case No. 204 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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. 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.

The application stands allowed.

(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'.

