

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13801 of 2021**

Arising Out of PS. Case No.-191 Year-2020 Thana- HATHAURI District- Muzaffarpur

PRAMOD RAI @ PRAMOD KUMAR S/o- Lal Babu Rai R/o- Village-
Pakri, Subhankar, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 30-06-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Hathauri P.S. Case No.

191 of 2020, registered for the offence punishable under

Sections 307, 323 of the Indian Penal Code.

As per the prosecution case, while the informant and

his daughter was at his Darwaja, all the FIR named accused

persons including this petitioner armed with lethal weapons

started assaulting the informant and when his daughter

protested, co-accused Nawal Rai caught hair of his daughter and

dashed her down. It is further alleged that co-accused Sudhir

Kumar and Raju Rai assaulted her with fist and leg and



petitioner and two other co-accused began to assault the informant and co-accused Nawal Rai inflicted repeated blow of iron rod on his head causing head injury, as a result of which he fell down. Co-accused Pintu Rai, Suresh Rai assaulted him with Khanti causing fracture in his leg. Informant wife was also assaulted by co-accused Rajiv, Ravi and Dipak.

It is submitted on behalf of the petitioner that from bare perusal of FIR it appears that no specific allegation of overt act has been raised against this petitioner rather allegation of assault is general and omnibus in nature. There is land dispute between the parties and petitioner has been falsely implicated due to previous enmity. Informant received three injuries out of which two are simple and injury on leg is grievous in nature and allegation of assault on leg of the informant is against other co-accused. Petitioner is in custody since 23.10.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case and the fact that there is land dispute between the parties, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Muzaffarpur in connection with



Hathauri P.S. Case No. 191 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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