

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1269 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- PUPRI District- Sitamarhi

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YOGI RAI, Son of Late Baldeo Rai, Resident of Village - Jalalpur Bangahi,
P.S.- Pupri, Distt.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Dinesh Jha, Adv.
For the Respondent/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Uday Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2021 Learned counsel for the appellant 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 appellant, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 06.01.2021 passed in Pupri P.S. Case No.130/2020 under Sections 341, 323, 324, 325, 307, 354 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) of the SC/ST(P.O.A.) Act by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi whereby and whereunder the prayer for bail of the appellant has been



rejected.

Learned counsel for the appellant submits that from the First Information Report it will appear that both the sides are close-door neighbours and the alleged occurrence has taken place on account of a land dispute. It is further submitted that so far as this appellant is concerned, it is alleged that he had forcibly put down the son of the informant on her and had been riding on chest but in course of medical examination no injury has been found either on the chest or back or on the neck of the son of the informant.

Learned counsel further submits that so far as the injury on the forearm and on occipital region on the body of the informant are concerned, the injury on the forearm has been found to be grievous and the injury on occipital region is said to be simple in nature, however those allegations of assault on the informant are only general and omnibus against all the accused persons.

It is further submitted that this appellant has also lodged a counter case giving rise to Pupri P.S. Case No.133/2020 against the prosecution party of the present case in which the alleged occurrence has been narrated giving a different version of the story.



Learned counsel for the informant has though opposed the prayer for regular bail of this appellant but has accepted to the extent that so far as the allegations against the appellant is concerned, the injury report of the son of the informant does not substantiate the allegations.

Considering the facts and circumstances of the case, in the nature of the dispute and the materials noticed hereinabove and that there is a case and counter case and the appellant has no criminal history, this Court sets aside the impugned order.

Let the appellant 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Pupri P.S. Case No.130/2020, 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

(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'.

