

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17998 of 2021**

Arising Out of PS. Case No.-103 Year-2020 Thana- LALGANJ District- Vaishali

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Gautam Kumar S/O Ramnath Rai R/O Village-Sarariya, P.S-Lalganj, District-
Vaishali. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha,Advocate

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

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

3 01-10-2021 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. Satyendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Lalganj P.S. Case No. 103 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 21.10.2020. The petitioner has got one criminal antecedent as stated in paragraph '3' of the petition. Learned counsel has informed that the petitioner has been granted bail in the said case.

As per the prosecution story, when the informant saw that the accused persons were harvesting the wheat crops standing in her field, she asked them not to cut the crops whereupon all the



accused persons abused her. The informant alleges that when her son Pappu Kumar came, he was assaulted by this petitioner and the co-accused Ramnath Rai. It is alleged that the other co-accused also assaulted her son by sharp-edged weapon.

Learned counsel for the petitioner submits that on the reading of the FIR itself it would appear that this petitioner, co-accused Ramnath Rai and his two sons, namely, Amit Kumar and Aman Kumar have been made accused and it is alleged that Ramnath Rai and his two sons were repeatedly assaulting the son of the informant, whereafter he had become unconscious. The allegation against the petitioner is that he had also given a sword blow but there is no allegation that the said sword blow caused any injury on any of the part of the body of the son of the informant.

It is further submitted that apparently the parties have got a land dispute whereupon the present occurrence seems to have taken place and the petitioner has remained in custody for almost one year in connection with this case.

Mr. Satyendra Prasad, learned APP for the State has gone through the case diary. He has informed this Court that three injuries have been found on the body of Pappu Rai but all those injuries are simple in nature.

Considering the facts and circumstances of the case wherein there are general and omnibus allegations that all the



named accused persons had assaulted the son of the informant, there is no specific allegation that this petitioner caused any particular injury and the repetition of blow has been alleged against the co-accused, moreover, the petitioner has remained in jail for almost one year and the investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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. IX (I/c) Vaishali at Hajipur in connection with Lalganj P.S. Case No. 103 of 2020, subject to the conditions 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.

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'.

