

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20990 of 2021**

Arising Out of PS. Case No.-27 Year-2020 Thana- TARAIIYA District- Saran

CHATUR RAI S/o Late Gorakh Rai Resident of Village- Rajdhani, P.S.-
Taraiya, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar Shrivastava, Advocate
For the Informant	:	Mr. Basant Kumar Singh, Advocate
For the Opposite Party/s	:	Ms.Asha Devi, APP

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

3 03-11-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and Ms. Asha Devi, learned A.P.P. for
the State.

Petitioner, in the present case, is seeking regular bail
in connection with Taraiya P.S. Case No. 27 of 2020 registered
for the offences punishable under Section 341, 323, 354, 307,
506, 34 of the Indian Penal Code . He is in custody since
03.12.2020 having no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that
although the parties are close agnates and they have a dispute
over partition of an ancestral house. The alleged occurrence
seem to have taken place in course of the dispute over the
property. There is case and counter case between the parties.



Learned counsel further submits that as per the prosecution story altogether 13 named accused had participated in the alleged occurrence and it is alleged that this petitioner had caused assault on the head of the husband of the informant by a Farsa. It is submitted that there is no repetition of blow. It is, thus, submitted that the petitioner has remained in custody since 03.12.2020, investigation against him is complete but the trial is not likely to take place in near future, hence, the petitioner deserve privilege of bail.

Learned counsel for the information and learned A.P.P. have jointly opposed the prayer for bail of the petitioner. It is submitted that even though there is no repetition of blow by the petitioner but the petitioner has caused grievous injury to the husband of the informant.

Learned counsel for the informant has placed before this court a CT Scan report of the Department of Radiology, P.M.C.H., Patna to submit that the CT Scan report though finds no fracture in the bone window setting and no focal lesion seen, neither any mass effect nor midline shift have been noticed and the brain parenchyma appears normal in density and morphology, but the doctors have noticed multiple fracture of ant nasal bone and there is displaced fracture noted in the below



frontal bone. It is, thus, his submission that the petitioner, who has caused this injury, does not deserve privilege of bail.

Having regard to the facts and circumstances of the case, the undisputed fact that the petitioner and the informant both are close agnates and they have a land dispute as also that in course of the said land dispute both the parties seem to have indulged in the alleged occurrence and both of them have come with two different versions of the story, so far as this petitioner is concerned, there is specific allegation that he had caused assault and the CT Scan report shows the nasal bone fracture but there is no denial that the petitioner has not repeated the blow and by this time he has remained in custody for about 10 months, this Court directs that **after framing of charge** the petitioner shall 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 Chief Judicial Magistrate, Saran, in connection with Taraiya P.S. Case No. 27 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

