

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38587 of 2021**

Arising Out of PS. Case No.-1 Year-2021 Thana- PHENHARA District- East Champaran

SANTOSH RAI S/o Vansh Rai Resident of Village- Rupaulia, P.S.- Phenhara,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr. Ashok Kumar, APP

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

3 01-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 341, 323, 324, 307, 448, 354, 379, 504/34 of the Indian Penal Code.

As per the prosecution case, on the alleged date and time of occurrence, all the accused persons named in the FIR, including this petitioner, armed with Lathi, Danda, iron rod and Farsa came to the informant's house and co-accused Vansh Lal Rai assaulted the informant with Farsa causing injury on his head. When his brother, Arjun, nephew and sister-in-law came for his rescue they were also assaulted by the accused persons. Accused persons tried to outrage the modesty of sister-in-law of the informant by pulling her clothes. It is further alleged that the accused persons snatched the gold chain of the sister-in-law of



the informant.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that specific allegation of assault is against co-accused, Vansh Lal Rai and there is general and omnibus allegation against this petitioner. There is case and counter case. Both parties are Pattidars and there is admitted land dispute between them. Petitioner claims clean antecedent and is in custody since 15.03.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Phenara PS case No. 73/2021 on the following conditions:-

(1) 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



on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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