

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30607 of 2020**

Arising Out of PS. Case No.-237 Year-2019 Thana- DESARI District-
Vaishali

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Rajan Rai @ Raj Narayan Rai S/o Kishundeo Rai Resident of Village-
Kharagpur, P.S.-Desari, District-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the State : Mr. R.P. Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 29-01-2021

Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 324, 354, 376, 511, 379, 504, 506, 307, 34 of the Indian Penal Code registered in connection with Desari P.S. Case No. 237 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute between the parties who are family members - the father of the informant and father of the petitioner being own brothers. The accusation of assault upon the informant with butt of *katta* on his head is upon co-accused Chandra Shekhar Rai. It is submitted that the ingredients of the offence under Sections 376 and 511 of the Indian Penal Code are not made out against the petitioner from the F.I.R. The petitioner claims clean antecedents.



4. Learned APP appears and invites reference to the impugned order wherein it has been noted that according to the injury report, injury is grievous in nature.

5. Be that as it may and considering that assault has mainly been alleged against other co-accused, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Shri Ghanshyam Singh, learned Additional Chief Judicial Magistrate-IV, Vaishali in connection with Desari P.S. Case No. 237 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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