

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10757 of 2021**

Arising Out of PS. Case No.-407 Year-2019 Thana- PARBATTa District- Khagaria

1. RAJESH KUMAR ROY @ RAJESH ROY Son of Ram Chaitra Roy
Resident of Village - Dumaria Buzura, Police Station - Parbatta, District -
Khagaria.
2. Rupesh Roy @ Rupesh Kumar Roy Son of Late Krishna Nandan Roy @
Krishnanand Roy Resident of Village - Dumaria Buzura, Police Station -
Parbatta, District - Khagaria.

... .. Petitioners

Versus

THE STATE OF BIHAR

.. ... Opposite Party

Appearance :

For the Petitioners	:	Mr.Shiva Shankar Sharma, Advocate
For the Informant	:	Mr. Anil Kumar Choudhary, Advocate
For the State	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-08-2021 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular
bail in connection with Parbatta P.S. Case No. 407 of 2019
registered for the offences punishable under Section 341, 323,
379, 354, 307, 504, 506/34 of the Indian Penal Code. They are
in custody since 14.09.2020.

As per the prosecution story, the three named accused
persons duly lashed with weapons in their hand reached at the
door of the informant and started assaulting the son of the
informant. Petitioner no. 1 allegedly assaulted Sujit Kumar Rai
from the butt of his illegal gun whereafter all other accused

assaulted the eldest son Ajit Kumar and Nisha Devi wife of the informant causing injuries to them. They also took away a golden chain from the neck of the wife of the informant and a sum of Rs. 5100/- from inside the blouse of the informant.

Learned counsel for the petitioners submits that prior to lodgment of this case on 09.10.2019, the petitioners' side has lodged the F.I.R. giving rise to Parbatta P.S. Case No. 406 of 2019. According to this case, the son of the informant namely, Ajit Rai had assaulted the Dewar of the informant Bobby Devi by a Khanti causing injury to him. The reason for the alleged occurrence has been provided in this F.I.R. According to it, when the informant Bobby Devi's family was raising a boundary wall of their house, the accused persons reached there lashed with weapon and assaulted Rupesh Rai (Dewar of the informant).

Learned counsel further submits that in the F.I.R. lodged by the prosecution party of this case the place of occurrence has been changed. Further the injury report has been brought of a private hospital of Begusarai which is situated at a distance of 75 km. and further the police has not found the allegation of snatching away the chain and money from the wife of the informant true. The investigation is complete and the

charge-sheet has been filed under Section 307 of the Indian Penal Code.

On the other hand, learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for bail of the petitioners. It is submitted that there is specific allegation against petitioner no. 1 that he had assaulted Sujit Kumar Rai and the injury has been found to be grievous in nature.

Learned A.P.P. for the State has also endorsed the submission of learned counsel for the informant.

Considering the facts and circumstances of the case, there is a case and counter case between the parties, the first case has been lodged by the petitioners' side in which the reason for the alleged occurrence has been provided wherein it is stated that when the family members of the petitioners' side were raising a boundary wall on their land the prosecution party of the side reached there and indulged in the assault, there are injuries from both sides, both sides are close agnates and in these facts the petitioners have remained in jail for about one year, investigation against them is complete, this court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction

of learned A.C.J.M. 1st, Khagaria in connection with Parbatta P.S. Case No. 407 of 2019, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

Let the trial be expedited.

(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'.