

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2871 of 2022

Arising Out of PS. Case No.-125 Year-2015 Thana- KESARIA District- East Champaran

Balindra Rai S/O Late Yogi Rai Resident Of Village- Sundrapur Tola, P.S.-
Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Kesariya P.S. Case No. 125 of 2015 corresponding to G.R.
No. 2423 of 2015, registered for the offences punishable
under Sections 147, 148, 149, 341, 447, 323, 307 and 504
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is
that when the informant was feeding his cattle, the
petitioner along with his associates reached there, having
arms in their hands and started abusing him and accused
Lakhindra Rai fired with his rifle, whereas Balindra Rai fired



with country-made pistol which hit him below his knee and other accused persons started assaulting with lathi and farsa and the informant got injured.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that allegation made in the FIR is not corroborated by the injury report as per which the alleged victim has got only one injury above the knee and such injury does not suggest commission of offence punishable under Section 307 of the Indian Penal Code. He also submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed.

He further submits that he has been languishing in jail since 16.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in five more cases.



However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Chief Judicial Magistrate, Motihari in connection with Kesariya P.S. Case No. 125 of 2015 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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