

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4452 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- KHIJARSARAI District- Gaya

RAJESH DAS S/o Shivbachan Das R/o village- Manoi (Khaira Bhuai Toli),
P.S.- Khizarsarai, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khizarsarai P.S. Case No. 330 of 2021 registered for the
offences punishable under Sections 341, 323, 354, 504, 506 of
the Indian Penal Code and Section 37(2) of Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, there is allegation against
the petitioner that he jumped the boundary wall and entered into
the house of informant in drunken state and thrashed the
informant's wife and tried to force her. Further case of the
prosecution is that petitioner also assaulted the informant's



mother and when informant and his son came there after hearing the noise, the petitioner fled away from there.

Learned counsel for the petitioner submits that petitioner is in custody since 05.11.2021 and bears no criminal antecedent. He further submits that there is case and counter case between the parties on the same date of occurrence and both petitioner and informant are co-villagers and agnates. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that in such kind of cases there is every likelihood of exaggerating the fact to make the case serious.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody as well as nature of allegation and case and counter case between the parties and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd cum Special Judge, Excise Act, Gaya in connection with Khizarsarai



P.S. Case No. 330 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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