

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6026 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

BALRAM KUMAR RAI Son of Ram Lakhan Rai Resident of Village -
Simari, Police Station - Vidhyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyank Deepak

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 21-06-2022

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 302, 307 and other allied sections of the Indian Penal Code.

Allegedly, petitioner and co-accused persons in large number came at the house of the informant and started abusing and assaulting prosecution party and during occurrence at the direction of co-accused informant's father was badly assaulted by means of **lathi**, iron rod and **danta** who died during course of treatment and some other relatives of the informant were also assaulted when they went to save the deceased.

The main submissions advanced by the learned counsel for the petitioner are that there is no specific allegation against the petitioner, in fact, he was assaulted by the prosecution party for which he was treated at PMCH and he received fracture injury, copy



of which has been annexed as Annexure 3. Admittedly, in between the parties, dispute was going on. Further submission is that petitioner is a young man and has been languishing in jail since 05.10.2021 having clean antecedent.

Learned counsel for the informant and learned APP vehemently opposed the prayer for bail and submitted that father of the informant was killed by this petitioner and co-accused persons and there is specific allegation against the petitioner.

In view of the above submissions as well as considering the fact that there is no specific allegation against this petitioner and he is simply stated to be a member of the accused persons and admittedly at the time of commission of the alleged occurrence, a land dispute was going in between the parties and as per injury report, the petitioner received fracture injury and as per para 3 of the petition, he has got clean antecedent.

Accordingly, in light of these facts, in my view, petitioner deserves a lenient approach. Let the petitioner 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 the Addl. Chief Judicial Magistrate III, Dalsingsarai, Samastipur in Vidhyapati Nagar Police Station Case No. 44 of 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 below and shall remain physically present as directed by the Court below



and on his absence on two consecutive dates without sufficient reason, his 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.

(Shailendra Singh, J)

s.hassan/-

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