

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8329 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- KATRA District- Muzaffarpur

Nandeshwar Raut S/O Late Vilas Raut R/O Laxmipur, Yajuar, P.S. Katra,
District- Muzaffarpur 843360

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148 149, 341, 447, 448, 323, 324, 307, 427, 354, 380, 504 and 506/34 of the Indian Penal Code.

As per prosecution story, in brief, is that on 21.02.2021 accused persons including the petitioner started abusing the informant Hare Ram Raut and when the informant asked them to stop abusing, the accused petitioner caught him by waist and assaulted on his head by farsa due to which the



informant sustained serious head injury. It is further alleged that his brother Ram Iqbal Raut and Suman Kumar came to rescue the informant but other accused persons Kanti Devi, Kanchan Kumar and Chanchal Kumar came with chilli powder in their hands and threw over their face. The accused persons started assaulting their brother with feast, lathi, rod and tengari over their head due to which the head of Ram Iqbal Raut started bleeding and Suman Kumar became unconscious. It is also alleged that the accused petitioner also stolen articles including Mangalsutra and other ornaments, cash from his house. The informant along with his brother were admitted to P.M.C.H. for better treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is free fight between the parties and there is admitted land dispute between the parties and due to land dispute the present occurrence has been taken place. He further submits that as per F.I.R. there is specific allegation of assault against the petitioner and the medical report also corroborates the allegation as alleged in the F.I.R but the petitioner is an old person aged about 59 years and petitioner is not in a position to assault the



informant as alleged in the F.I.R. Learned counsel for the petitioner further submits that similarly situated co-accused persons Suren Raut @ Suresh Raut has been granted bail by a Coordinate Bench of this Court vide order dated 23.03.2022 in Cr. Misc. No. 44551 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Katra P.S. Case No. 42 of 2021, with 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 and shall remain physically present as directed by the Court 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



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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