

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11951 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- DAUDPUR District- Saran

1. Kamal Kishore Rai S/o Baijnath Rai R/o village- Beldari, P.S.- Daudpur, District- Saran
2. Ritik Kumar Rai S/o Kamal Kishore Rai R/o village- Beldari, P.S.- Daudpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Daudpur
P.S. Case No. 310 of 2021 registered for the offence under
Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian
Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 23.11.2021.

The allegation against the petitioners is to assault the
informant and his son with spade (Kudal) and bricks bats with



intention to cause death.

Learned counsel appearing on behalf of the petitioners submitted that the present dispute is in the background of land disputes, which has been compromised between the parties. It has further been submitted, though none of the injury found as grievous, except of Lal Mohan Rai, which is not in corroboration with nature of weapons alleged to caused injury. It has further been submitted that occurrence is nothing but free fight between the parties, as such, it cannot be said that petitioners were under intention to cause death of the injured. It has also been submitted that the petitioners are man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nature of injury is not in corroboration with alleged weapon, which may ought to cause such injuries in ordinary course of nature, man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let both the



petitioners, above named, are directed to be released on bail in connection with Daudpur P.S. Case No. 310 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran at Chapra / concerned court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Md. Bhawan Ray, who is the cousin brother of the petitioner no. 1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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