

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16080 of 2022

Arising Out of PS. Case No.-564 Year-2021 Thana- MASHRAK District- Saran

Manoj Rai, aged about 40 years, (M) Son of Late Achhelal Rai, Resident of village - Sherukahan, P.S.- Mashrakh, District - Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yashraj Bardhan, Advocate
For the Opposite Party/s :	Mr. Tej Pratap Singh, Advocate
	Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-08-2022 Heard Mr. Yashraj Bardhan, learned counsel
appearing on behalf of the petitioner, Mr. Tej Pratap Singh,
learned counsel appearing on behalf of the informant and Mr.
Nagendra Prasad, learned A.P.P. for the State.

Petitioner, who is in custody since 02.01.2022, seeks regular bail in connection with Mashrakh P.S. Case No. 564 of 2021 dated 18.11.2021 registered for offences punishable under Sections 341, 323, 324, 307, 354b, 325, 379 and 506/34 of the Indian Penal Code.

Prosecution story in brief is that the petitioner is nephew of the informant. The allegation against the petitioner is that he was an order giver and on his order, one co-accused Raushan Rai had assaulted on the head of the informant by



means of sword and when the wife of the informant came to rescue him, the petitioner had dragged her down and by means of *danda* he had assaulted her which hit her finger.

Learned counsel appearing on behalf of the petitioner submits that informant is his own uncle and due to previous enmity, he has made a false allegation of causing injury on his person. Injury report prepared by the doctor posted at Sadar Hospital, Mashrakh is also not sustainable in the eye of law. Due to previous enmity, one more case was earlier instituted by his uncle for similar allegation which was instituted as Mashrakh P.S. Case No. 499 of 2021. Petitioner is in custody since 02.01.2022.

Mr. Tej Pratap Singh, learned counsel appearing on behalf of the informant submits that petitioner conduct shows that he does not have any respect for any of the elder member of the family and in the present case as well as earlier occasion also, he misbehaved and assaulted his family members. The informant is an eye-witness and injury sustained by him is supported by injury report.

Learned A.P.P. for the State submits that the Courts are clogged with cases relating to land dispute and family matters and such cases must be resolved by pre-mediation



among the parties. It would be proper for the petitioner to seek for pre-mediation and resolve the dispute amicably.

This Court also finds that in all such disputes relating to family matter either partition or leading to land dispute, it would be proper for the parties to resolve the dispute amicably with the interference of well wishers or before the appropriate forum instead of indulging in frivolous criminal cases.

This Court directs the petitioner and the informant to approach either arbitrator or appropriate forum to get their dispute resolved.

This Court directs the petitioner to furnish duly sworn affidavit on his behalf before the Court below that he will try to resolve the present dispute amicably. If such affidavit is filed on behalf of the petitioner, the Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chhapra in connection with Mashrakh P.S. Case No. 564 of 2021 dated 18.11.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

Any observation made in this order shall not affect the merits of the trial relating to the present Mashrakh P.S. Case No. 564 of 2021.

(Purnendu Singh, J)

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