

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22611 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- PARSA District- Saran

1. Mukesh Kumar @ Mukesh Rai S/O Joginder Rai R/o village- Marar, P.S.- Parsa, District- Saran at Chhapra
2. Dinesh Rai S/o Joginder Rai R/o village- Marar, P.S.- Parsa, District- Saran at Chhapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 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 petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 & 325 of the Indian Penal Code.

As per prosecution case, in short, is that on 06.07.2021 at about 11:30 A.M. informant's father after performing his duty came to his house and saw that the accused persons including the petitioner were taking forcefully



possession of his land and are forcibly constructing their house. When the informant's father made objection for this, then under order of Hari Ram Ray to kill him, then Jai Ram Ray inflicted bhala blow upon his head and consequently his head cut and fell down and thereafter other persons came and assaulted with lathi, rod and sword. When informant and his brother Bijendra Kumar Ray and grand father Ram Pukar Ray has come to save the informant's father they they were assaulted by the accused persons. Dinesh Rai assaulted with rod upon leg of the informant's grand father Ram Pukar Rai and consequently his leg got broken, Arjun Ray assaulted with lathi upon the head of the informant's brother Bijendra. All the injured persons went to Government Hospital, Parsa but later on they referred to P.M.C.H. Patna for better treatment where during course of treatment the informant's father died.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is no allegation of any overt act against the petitioner no. 1 whereas petitioner no. 2 has assaulted the grandfather of the informant due to which his leg got fractured. He further submits that there was no intention to



assault the grandfather of the informant and similarly situated co-accused Hari Ram Ray has been granted bail by this Court vide order dated 13.06.2022 in Cr. Misc. No. 8565 of 2022 and another co-accused persons namely Bali Ram Rai has been granted bail by this Court vide order dated 13.07.2022 in Cr. Misc. No. 295 of 2022 respectively and the petitioners are in custody since 04.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail 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 Court below where the case is pending in connection with Sessions Trial No. 583 of 2021 arising out of Parsa P.S. Case No. 254 of 2021, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.



(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Ibrar//-

U		T	
---	--	---	--

