

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24056 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- NAANPUR District- Sitamarhi

Amiri Rai, S/O Late Anup Rai, R/o village- Gaura, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Nanpur P.S. Case No. 218 of 2021 registered
for the alleged offences under Sections 147, 323, 324, 307,
354B, 447, 504, 506 and 379 of the Indian Penal Code.

As per the prosecution case, the petitioner and other
co-accused persons came to the house of the informant and
assaulted him and his other family members. The co-accused
molested the wife of the informant. The allegation against the
petitioner is that the petitioner gave a dagger blow to the



informant. The co-accused Babloo Rai assaulted the informant with iron rod causing fracture on his hand. The other co-accused persons also fractured the heads of the brother and father of the informant.

The learned counsel for the petitioner submits that the occurrence as alleged has not taken place. The present case is counterblast of Nanpur P.S. Case No. 216 of 2021 registered under Sections 341, 323, 325, 324, 307, 447, 379, 504/34 of the Indian Penal Code in which a number of persons from the side of the petitioner received injuries. At most it could be taken as free fight between two groups. Moreover, the informant has been examined by the doctor and only one injury has been found on his person and the same was 2 cm. x 05 cm. x muscle deep at right anterior superior side of abdomen. By its dimension, the injury appears to be simple and superfluous and cannot be said to be caused by a dagger. In fact the informant received the injury in the scuffle and exaggerated his injury. The allegation of molesting the wife of the informant is against other co-accused persons and the same is super addition. Due to dispute over property, the instant case has been lodged as a counterblast since the informant's side is itself aggressors. The petitioner and the informant are agnates and there is dispute



over ancestral property. Furthermore, there is nothing on record to show that there was any intention to cause death. The petitioner is in custody since 03.12.2021 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that there is allegation of giving dagger blow on the informant and the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submissions made hereinabove and considering the dimension of the injury allegedly caused by this petitioner and further considering the counter case wherein the informant's side is stated to be aggressors and also taking into account the period of custody of the petitioner along with submission of charge sheet, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi, in connection with Nanpur P.S. Case No. 218 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

