

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29888 of 2021**

Arising Out of PS. Case No.-256 Year-2020 Thana- GORAUL District- Vaishali

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DHEERAJ KUMAR Son of Daroga Sah Resident of Village- Sheikhpura
Gangti, P.S. Goraul (Katahra O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 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 Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341,323,354(B),380,427,504,506,34 of the Indian Penal Code.

According to FIR, the informant has alleged that on 18.07.2020 at 2.00 PM when she was sleeping in the room, accused Dhiraj Kumar entered into her room and opened her Saree. When she woke up and tried to cry, he pressed her mouth and tried to tore her cloth. On information, when her husband came and complained to the father of Dhiraj, they started to



abuse him. In the meantime, Dhiraj, his brother Ujjwal and others came and father of Dhiraj pushed her due to which she fell down and they assaulted her by means of legs and fists. It is also alleged that mother of Dhiraj snatched her golden ear ring and Mangalsutra. When her husband came to save her, Dhiraj and his brother Ujjwal gave blow of Farsa and sword on her and her husband with the intention to kill him. Their mother Sunita Devi lifted iron rod and ordered to kill them. On hulla, when nearby people came, the accused persons fled away. It is also alleged that they damaged the property of the school.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the informant is aunt of the petitioner and due to land dispute the petitioner has falsely been implicated in the present case. He further submits that the uncle of the petitioner, who is husband of the informant, has forcefully occupied the land and the school of the petitioner. The mother of the petitioner has preferred a Land Dispute Case No.05 of 2018-19 which was decided in her favour and in spite of the same the informant and his husband have not obeyed the order of the aforesaid Land Dispute Case. He further submits that the Circle Officer has issued a letter dated 01.02.2020 for removal of the



illegal occupants in the aforesaid land in question. He further submits that the mother of the petitioner has also lodged an FIR vide Goraul (Katahra O.P.) P.S.Case No.92 of 2021 against the present informant and his husband.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (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 Goraul (Katahra O.P.) P.S.Case No.256 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



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

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 antecedent, 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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