

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25525 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- SIMRI District- Buxar

Sanjay Rai, S/o Late Barhmeshwar Rai, Resident of Village- Ekauna, P.S.-
Simri, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-08-2022 A supplementary affidavit has been filed on behalf of

the petitioner bringing on record that the petitioner has only one

criminal antecedent, as stated in para. 3 of the bail application.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Anil Kumar, learned counsel appearing on
behalf of the petitioner, Mr. Gopal Swaroop Dubey, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Simri P.S. Case No. 369 of 2021 registered for
the offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 426, 427, 504 and 506 of the Indian Penal Code.



As per the prosecution case, it is alleged that on 17.10.2021 at about 1 P.M. while the informant was feeding his cow, in the meantime, petitioner along with other accused persons on the instigation of Bikrama Rai started looting the house and also set ablaze the house. It is further alleged that this petitioner assaulted the uncle of the informant Hari Das Rai, due to which he sustained injuries. There is further allegation with regard to the other accused persons.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus nature of allegation against all the accused persons, so far the allegation against this petitioner causing Farsa blow over the head of the uncle of informant is concerned, the injuries, which have been allegedly sustained to him, have been found to be simple in nature and in support of his contention injury report has been brought on record, by way of Annexure-2 to this application. It is next submitted that there is counter version of the present case and the same has been instituted by brother of the petitioner, bearing Simri P.S. case no. 411 of 2021 against the informant and his family members. It is next submitted that in fact on account of land dispute, free fight has taken place, in which the members of both the sides have sustained injuries.



However, the prosecution has failed to explain the injury sustained to the members of the petitioner. It is next submitted that this petitioner is in custody since 11.02.2022.

On the other hand, learned counsel appearing on behalf of the informant opposes the bail application and submits that there is specific allegation against this petitioner that he gave Farsa blow over the head of the uncle of the informant, causing serious injury. It is also submitted that this petitioner was also involved in looting the house of the informant and set a blaze.

Learned APP for the State also opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation as well as the injury report, which suggests that the injured has received simple injury and moreover there is a case and counter case on account of admitted land dispute and this petitioner is in custody since 11.02.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Buxar in connection with Simri P.S. Case No. 369 of 2021,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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