

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25367 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- JANDAHA District- Vaishali

RAJESH KUMAR @ KHATTU @ RAKTU, Son of Rajeshwar Rai R/O
Vill.- Mohajama, P.S.- Jandaha, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate. Mr. Rajeev Ranjan No.II, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the informant	:	Mr. Vinod Kumar, Advocate Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and the learned APP for the State as also learned counsel for the informant.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Jandaha P.S. Case No.73 of 2021 instituted under Sections 147,148,149,323,504,506,307 of the Indian Penal Code.

As per the FIR, while there was 'Shradh' in the family of the informant in the neighbour, there was also a marriage ceremony where speaker was on a loud volume. It was objected by the family where the 'Shradh' was to take place. In the altercation, it is said that accused persons assaulted a number of



informant's family. So far as this petitioner is concerned, it is alleged that he used a '*Cholani*' to assault Ram Ekbal Rai whereas accused Rakesh Kumar also hit Ram Ekbal Rai on his hand, which led to fracture in his hand.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, the blow on the head has been shown to be simple in nature in the injury report issued by the Sub-Divisional Hospital, Mahua (Vaishali). The grievous injury on hand due to fracture according to the counsel for the petitioner has been attributed to accused Rakesh Kumar and the petitioner herein, a fact the counsel for the informant also conceded.

Taking into account that there is a case and counter case, the allegation against the petitioner is of hitting Ram Ekbal Rai on the head which according to the injury report is simple in nature, is in custody since 12.03.2022 (as stated in para-14 of the bail application) and the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jandaha P.S. Case No.73 of 2021 to the satisfaction of learned Chief Judicial



Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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