

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31015 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- BAIRIYA District- West Champaran

Kapil Ram Son of Late Dhawal Ram, Resident of Village- Machhargawan ,
P.S- Bairiya , District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 379, 504 and
34 of the Indian Penal Code.

According to prosecution case, in brief, is that all the
accused persons came on the persons came on the door of
informant and started abusing when informant protested
meanwhile accused persons Kapil Ram assaulted blow by Tangi
on informant's head and Upendra Ram, Jhunjhun Ram assaulted
blow by iron rod on informant's right leg. It has been further
alleged that Shobha Devi came to save of informant then



accused persons Sanjay Ram and Meena Devi assaulted blow by lathi on both hand. Some time Punam Devi came to save of informant's wife Meena Devi in the meantime accused person Dama Ram assaulted blow by iron rod and snatched golden chain from informant's wife neck. It has been stated that co-villagers are came on place of occurrence and save injured persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner assaulted by axe which hit the head of the informant. He further submits that there is admitted land dispute between the parties and there is free fight between the parties. He further submits that the petitioner has filed Bairiya P.S. Case No. 168 of 2021 against the informant and other family members of the informant. He further submits that according to expert opinion, injury no.1 is grievous in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Bairiya P.S. Case No. 167 of 2021, subject to the 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

mdrashid/-

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

