

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42685 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- PIPRASI District- West Champaran

RAJ KISHOR KUSHWAHA S/O LATE RAMAVATAR BHAGAT R/O
VILLAGE-SIRPAT NAGAR, P.S- PIPARASI, DISTRICT-WEST
CHAMAPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Piparasi P.S. Case No. 15 of 2021 for the offence punishable
under Sections 147, 148, 341, 323, 324, 504, 506, 307 and 379
of the Indian Penal Code.

The prosecution case, in brief, is that on 22.03.2021
around 06:30 PM, the informant was standing at Railway line.
In the meantime all the accused persons including the petitioner
armed with lathi and katta came there and started abusing and



assaulting the informant. On alarm when mother, brother and sister-in-law came at his rescue, they were also assaulted brutally by the accused persons. It is further alleged that co-accused Patti Kushwaha had held the informant's mother and co-accused Sikandar Kushwaha and the petitioner inflicted a sharp edged Bakua blow over her head, due to which, she sustained head injury and fell down. It has also been further alleged that co-accused Sikandar snatched golden chain from the neck of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 27.03.2021 and the main allegation is against the son of the petitioner who had some altercation with the informant with respect to their trade of sand in the State of U.P. There is specific allegation against the petitioner in the F.I.R. that by means of Bakua he assaulted the mother of the informant, however from the injury report it appears that one lacerated wound has been found on the occipital region of the scalp and the said injury is simple in nature which falsifies the very allegation that the petitioner had assaulted the victim by means of a sharp edged weapon i.e. Bakua.

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner. He submits that the petitioner is having two criminal antecedents, however allegation in those cases are not of serious nature. But so far as the present case is concerned, petitioner does not deserve to be released on bail.

Having heard the parties and from perusal of the allegation made in the F.I.R. and evidence which has surfaced in course of investigation, no incriminating material has come against the petitioner, from the injury report it appears that the wound is lacerated which confirms that the same has not been caused by any sharp edged weapon, however allegation in the F.I.R is that the petitioner had assaulted with sharp edged weapon i.e. Bakua on the head of the old mother of the petitioner. Prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Bagaha in connection with Piparasi P.S. Case No. 15 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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