

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37022 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- TARAIYA District- Saran

Lalu Rai @ Lal Babu Rai, Son of Late Kewal Rai Resident of village -
Pachbhinda, P.S. - Taraiya, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-09-2022 No one appears on behalf of the petitioner. Learned
APP for the State is present through virtual mode in view of
COVID-19.

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 Taraiya P.S. Case No.131 of 2021 instituted under Sections
341, 335, 326, 34, 323, 307, 504 and 506 of the Indian Penal
Code.

As per the prosecution story, the informant's son had
gone out to attend the call of nature and came back alleging that
three accused persons have threw petrol on his face and used
match stick causing burn injury on his face, chest as also hands
as he tried to save himself. He was immediately taken to
hospital from where he was referred to Sadar Hospital, Chapra.



Accordingly, the FIR was lodged.

As per the averment made in the FIR, it was stated that the accused persons who threw petrol on him and used match stick had masked their faces. However, twenty days later, another statement was recorded by the informant in which he named accused persons, petitioner being one of them. It is as such stated in the bail application that only to implicate the accused persons, the second story has been incorporated.

The injury report is part of the bail application, according to which the same have been found to be simple in nature.

Considering all the aforesaid facts that in the FIR it was alleged that the accused persons were masked but subsequently after a fortnight the name of the petitioner was incorporated, the injury has been found to be simple in nature and he is in custody since 01.05.2022 having no criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

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 Taraiya P.S.



Case No.131 of 2021 to the satisfaction of learned A.C.J.M.,I,
Saran at Chapra, 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 reason 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 evidences,
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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