

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40630 of 2022**

Arising Out of PS. Case No.-388 Year-2018 Thana- GHORASAHAN District- East  
Champaran

- 
1. Sanjay Rai Son of Vinod Rai @ Vinod Prasad Yadav Resident of village- Ghorasahan, P.s.- Ghorasahan, District- East champaran
  2. Sunil Rai @ Sunil Kumar Son of Vinod Rai @ Vinod Prasad Yadav Resident of village- Ghorasahan, P.s.- Ghorasahan, District- East champaran
  3. Nanhak Rai Son of Late Ramchandra Rai Resident of village- Ghorasahan, P.s.- Ghorasahan, District- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Yogesh Chand Verma, Senior Advocate  
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

---

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      18-10-2022                      Heard Mr. Yogesh Chand Verma, learned Senior  
counsel for the petitioners and Mr. Jitendra Kumar Singh,  
learned APP for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioners are in judicial custody in connection  
with Ghorasahan P.S. Case No. 388 of 2018 for the offences  
under Sections 147, 148, 149, 341, 447, 323, 324, 325, 307,  
380, 504, 506 of the Indian Penal Code.

As per the prosecution story, the informant has made  
the allegation in the case that accused persons broke open their



door and further Munna Kumar gave 'farsa' blow on the head of the informant causing injury as also bleeding. Further allegation against the petitioner No. 1 is of assaulting with iron rod hitting his nose. The informant has alleged that when his wife came to rescue, Nanhak Rai (petitioner No. 3) held her as also assaulted her. Further the petitioner No. 2, Sunil Rai tried to outrage her modesty. It caused injury to the couple and both of them became unconscious. Accordingly, they were shifted to hospital and the FIR was lodged.

Learned Senior Counsel for the petitioners submit that there is a land dispute which has been given a criminal colour. Both the petitioners and the informant's side are fighting legal battle inasmuch as title suit is pending between them which has also come on the record in the order of the learned Sessions Judge.

It is his further submission that the main allegation is against Munna Rai alias Munna Kumar Rai of having given 'farsa' blow on the head of the informant causing grievous injury. So far as the three petitioners are concerned, his submission is that the unfortunate assault on the nose has been made against the petitioner No. 1 as also outraging the modesty of the lady but they are clean exaggeration of the FIR.



He lastly submits that without going into the merit of the case since the informant and the petitioners are next door neighbours, taking into account the injury that has allegedly come in the FIR, they on their own want to bear the medical expenses by providing Rs. 50,000/- by way of Demand Draft issued by the local branch of State Bank of India to the informant, Nandu Rai. It is his further submission that the petitioners also want to make payment of Rs. 10,000/- by Demand Draft issued by the local branch of State Bank of India to the Patna High Court Legal Services Committee.

Learned APP, on the other hand, submits that there is allegation of assault on all the three petitioners. He however concedes that the main allegation is against Munna Kumar Rai of having given 'farsa' blow on the head of the informant.

Be that as it may, taking into account the aforesaid facts that the main allegation is against Munna Kumar Rai of giving head injury to the informant by 'farsa' blow, the petitioner No. 1 gave a single iron rod blow which hit the nose of the informant, the allegation against the other two petitioners are of outraging the modesty, they are in custody since 20.5.2022, charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail subject to payment of Rs.



50,000/- by way of Demand Draft to the informant issued by the local branch of State Bank of India which will be submitted before the learned Trial Court to be handed over to the informant after checking his credentials through Government issued documents (Adhar, Voter ID etc.). They would also additionally deposit Rs. 10,000/- to the Patna High Court Legal Services Committee and the receipt to this effect shall be submitted before the learned Trial Court.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari, in connection with Ghorasahan P.S. Case No. 388 of 2018 subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(iv) the petitioners 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 the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Prakash  
Narayan/Ajay-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

