

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40711 of 2022

Arising Out of PS. Case No.-378 Year-2019 Thana- NAANPUR District- Sitamarhi

SURESH RAI Son of Late Bhabheechhan Rai Resident of Village - Gogalak
Tol, P.S.- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 26-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Nanpur P.S. Case No. 378 of 2019 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 307,
379, 504, 506 of the Indian Penal Code.

As per prosecution case, accusation against the
petitioner is that he alongwith others armed with Lathi, Danda,
farsa etc. came and attacked upon the informant. Co-accused
Bansh Narayan Rai assaulted the informant on his head by
means of Farsa. Thereafter, when informant's brother Raj
Kishore Rai came to rescue him the petitioner and others



assaulted Raj Kishore Rai by means of Farsa, Garasa and rod with intention to kill him due to which informant's brother sustained head injury and he fell down unconsciously.

Learned counsel for the petitioner submits that petitioner is in custody since 21.06.2022. Petitioner bears one criminal antecedent which is between the same parties. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter case between same parties for the same date of occurrence and in that context the facts are generally exaggerated. There is general and omnibus allegation against the petitioner and others. No any specific allegation of assault is attributed against the petitioner. Petitioner and informant are agnates. There are seven injured persons and all the injuries are simple in nature except injury of Rajkishore Rai which is upon the head and same is alleged to be grievous in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the



prosecution evidence, argument advanced on behalf of the parties, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, District Sitamarhi in connection with Nanpur P.S. Case No. 378 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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