

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40417 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- DARPA District- East Champaran

Saroj Prasad Yadav Son Of Ram Naresh Rai @ Tuntun Rai R/O Village-
Bhatnahiya, P.S.- Darpa, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhurendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner, State and
the informant.

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

The case is registered under sections 147, 148, 149,
341, 323, 324, 325, 307, 379, 387, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act, in connection with
Darpa P.S. Case No. 51 of 2022.

As per the prosecution story, the informant has
alleged that when the land was being shown to the local people,
the accused persons armed variously came and it is alleged that
Shashi Kapoor Kushwaha gave 'Farsa' blow to his cousin
Shailendra Prasad Yadav on his head thus severely injuring his



head. Further allegation against this petitioner and one Munna Kumar is/are of using 'Gamchha' around his neck and tightening the same causing severe pain to the said person. The last allegation is against Ravi Kumar and Suresh Mahto that they gave 'Kulhari' blow on the private part of his uncle. Further allegation is of looting of amount.

Learned counsel for the petitioner submits that specific allegations are there against the accused persons Ravi Kumar, Suresh Mahto and Ramesh Mahto. So far as this petitioner is concerned, the only allegation against him is of using 'Gamchha' as also having caught hold of the injured persons and injury report does not show any injury due to the use of 'Gamchha'.

Further submission by the learned counsel for the petitioner on instruction is that considering the fact that even the informant side are his neighbours and the cousin brother of the informant has suffered, irrespective of the outcome of the bail application, he is willing to pay a sum of Rs. 20,000/- through demand draft issued by the local branch of the State Bank of India in favour of Mr. Shailendra Kumar Yadav as expenses towards his treatment.

Per contra, learned counsel for the informant



submits that not only the petitioner along with other accused persons used 'Gamchha' to press the neck of the informant's cousin brother, they also facilitated the use of 'Farsa' by having caught hold of informant's cousin brother and as such he does not deserve bail.

Taking into account the aforesaid facts that specific allegations are against Ravi Kumar, Ramesh Mahto and Suresh Mahto of having given blow on the head, body and private parties of cousin brother and uncle of the informant, the petitioner is in custody since 25.5.2022, do not have any criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 20,000/- (Twenty thousand) as stated above to be submitted before the Trial Court. 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/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, in connection with Darpa P.S. Case No. 51 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

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

(v) the Trial Court shall hand over the Demand Draft of Rs. 20,000/- to Shailendra Kumar Yadav after checking his identity through government documents (Aadhar/Voter ID)

(Rajiv Roy, J)

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