

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42964 of 2022

Arising Out of PS. Case No.-276 Year-2021 Thana- KALYANPUR District- East Champaran

ACHHE LAL RAI Son of Banaras Rai Resident of Village - Siswa Basant,
P.S.- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 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.

Learned counsel for the petitioner has filed

supplementary affidavit, let it be kept on record.

Learned counsel for the petitioner is permitted

to make necessary correction in paragraph 1 of the bail
petition.

The petitioner seeks bail in connection with

Kalyanpur P.S. Case No. 276 of 2021 registered for the
offences punishable under Sections 341, 323, 325, 379,
354(B), 504, 506/34 of the Indian Penal Code and later on



added Sections 324 and 307 of the Indian Penal Code.

As per prosecution case, on the order of present petitioner, co-accused persons assaulted the informant and his family members by means of Farsa, Garasi and iron rod. It is further alleged that co-accused Niraj Kumar snatched a gold chain worth Rs. 40,000/- and a magalsutra from the mother of the informant and co-accused Dhiraj Kumar snatched Rs. 3500/- and watch from the father of the informant.

Learned counsel for the petitioner submits that petitioner is in custody since 26.03.2022. Petitioner bears no criminal antecedent. 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 no specific overt-act against the petitioner. Petitioner is merely an order giver. Petitioner and informant are on Gotia and there is admitted land dispute between them. Learned counsel further submits that there was partition suit bearing Partition Suit No. 189 of 1994 between the petitioner and the informant and the said suit was decreed in favour of the



petitioner's side and for that reason informant has falsely implicated the petitioner and his family members in the present case. Learned counsel further submits that the petitioner is an old person and aged about 70 years and suffering from various serious ailments.

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, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 276 of 2021, 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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