

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42981 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- RAGHOPUR District- Vaishali

Rajendra Ray @ Rajendra Kumar Son Of Ram Dayal Ray Resident Of
Village - Mohanpur (Ward No.- 5), P.S.- Raghobpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raj Kumar, Advocate
For the Opposite Party/s :	Mr. Mritunjay Kumar Nirala, APP
For the Informant	Mr. Premchandra Yadav, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-09-2022 The matter is being listed on priority basis on the urgent motion slip filed by the learned counsel for the petitioner praying therein that the petitioner is sustained injury and his further treatment is required.

Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Raghobpur P.S. Case No. 101 of 2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the



informant alleging therein that on 21.03.2022, in course of *Panchayati* all the *Pattidars* named in the FIR, on being dissatisfied with the decision of *Panchayati*, became enraged and whereupon co-accused Munni Lal Roy and Lal Babu Roy ordered other accused persons to kill the other parties. On the aforesaid dictate co-accused Vikash Kumar, Akash Kumar and Pradeep Kumar caught hold the father of the informant and thereafter, Rajendra Roy(petitioner), Manoj Roy, Ravindra Roy, Rajiv Roy, Satish Roy, Binod Roy brutally assaulted him by means of lathi, Danda, Brick, Garasa and iron rod. The informant and other came to rescue but they have also been assaulted by co-accused persons It is further alleged that in course of treatment father of the informant died.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that the allegation of assault has been levelled against six named accused persons that they have assaulted the father of the informant resulting into his death. However, the informant claiming himself as an eye witness to the alleged occurrence did not disclose as to which of the accused persons have assaulted the father of the informant by means of which specific weapons. He next submits that there is a counter



version of the present case ie. Raghapur P.S.Case No. 102 of 2022 lodged by the uncle of the petitioner against the informant and other persons. He next submits that in fact, on account of *Panchayati* a free fight was taken place between both the parties. Though from the post mortem report, it appears that the deceased has sustained four injuries wherein petitioner himself sustained head injury and he was all along under treatment in NMCH and was arrested from NMCH during the course of treatment, which fact has also been corroborated by the arrest memo. He next submits that though the injuries have sustained to the members of both the sides but the prosecution has failed to explain the injury sustained to the petitioner and members of the other party. He next submits that petitioner being a school teacher is in custody since 25.03.2022

On the other hand, learned counsel for the informant opposed the bail application and submits that there is specific allegation against the petitioner and five others that they have brutally assaulted the father of the informant and this fact has also corroborated by the post mortem report and furthermore all the four injuries were found on the vital part of the body. He next submits that even during the course of investigation, the informant categorically stated that petitioner was having a



bamboo stick in his hand and later on that has been recovered with blood stained. He further submits that in fact, the petitioner is a main assailant and leader of other party and so far as the injuries sustained to the petitioner is concerned, that is simple in nature. He next submits that the father of the informant has died and other three persons have also sustained injuries.

Learned counsel for the State also opposed the bail application and submits that petitioner has named in one another case.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation against six named accused persons including the petitioner, who also sustained injuries and was arrested from NMCH. Apart from the fact that the petitioner is a school teacher and is in custody since 25.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Vaishali at Hajipur in connection with Raghapur P.S.Case No. 101 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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