

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54238 of 2021

Arising Out of PS. Case No.-622 Year-2020 Thana- MADHAURAH District- Saran

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SUBHASH RAI S/O LATE CHHATHU RAI R/o village- Baidapur, P.S.-
Marhowrah, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-04-2022 Heard learned counsel for the parties.

The petitioner is in custody since 12.07.2021 in connection with Madhaura P.S. Case No. 622 of 2020 under Sections 341, 323, 324, 307 and 447/34 of the Indian Penal Code.

As per the prosecution case, alleged by the informant, Birendra Kumar Rai, nine accused persons including the petitioner herein surrounded him on 29.06.2020 around 8 P.M. when he was clearing the water logging from his door and thereafter, it is alleged that on the instigation of this petitioner co-accused Subodh Rai pierced '*barchi*' in his abdomen as a result whereof he fell down. It is further alleged that all of them assaulted him with fist and feet. As the villagers assembled, the accused persons fled away.



Learned counsel for the petitioner submits that as per the allegation, he is the order giver and specific allegation has been levelled against Subodh Rai that he gave '*barchi*' blow in the abdomen of the petitioner. He further submits that an omnibus allegation has been levelled that all the accused thereafter assaulted. He lastly submits that he is in jail since 12th of July, 2021 and as such, he may be enlarged on bail.

Taking into account the allegation in the First Information Report that it was Subodh Rai, who pierced '*barchi*' in the abdomen of the informant and besides petitioner being an order giver an omnibus allegation has been levelled of assault. Charge sheet has already been submitted in the matter. However, as the petitioner does not have clean past as reflects in para-3 of the bail application, having five criminal cases of the same nature, certain conditions are necessary to be imposed while enlarging him on bail.

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 Chief Judicial Magistrate, Chapra District-Saran in connection with Madhaura P.S. Case No. 622 of 2020, subject to the following conditions :-

- (i) he 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;

(ii) he shall visit the local police station every month for next six months to mark his presence;

(iii) he shall in no way induce, promise or threaten either the informant or any of the witnesses related to the present case;

(iv) if he indulges in the criminal offence again, the State shall be at liberty to initiate process for cancellation of his bail.

The bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

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