

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45682 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- PAROO District- Muzaffarpur

Dhaneshwar Ray Son of Lachhan Ray Resident of village - Chhapra as, P.S.-
Paroo, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate
For the Informant/s	:	Mr. Rajeev Ranjan No. 2, Advocate
		Mr. Anjana Gupta, Advocate
		Mrs. Priyanka Kumari, Advocate
		Mr. Raju Kumar, Advocate
For the Opposite Party/s :		Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Paroo P.S. Case No. 133 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 506 of the Indian Penal Code.

As per the prosecution, the informant was attacked and assaulted by this petitioner and other co-accused persons who came at his house armed with *lathi, danda, talwar* etc.



The main submissions advanced by the learned counsel Mr. Prabhat Kumar Singh appearing for the petitioner are that the petitioner is 52 years old having clean antecedent and all the injuries found on the person of the informant have been opined to be caused by hard and blunt object by the doctor concerned which is not corroborative to the allegation of assaulting him by means of sharp weapons, moreover against the petitioner there is no specific allegation and the FIR was lodged five days after the alleged occurrence. Further submission is that investigation has been completed against the petitioner and in the present time he is facing trial.

Learned APP Mr. Khurshid Anwar appearing for the State and learned counsel Mrs. Priyanka Kumari appearing for the informant have vehemently opposed the bail prayer and submitted that the informant sustained three injuries in which one was found on vital part of his body and the final opinion in respect of the said injury by the doctor concerned has not been given till now and the petitioner was also a member of the company of accused persons who attacked at the informant.

Heard both the sides and perused the FIR. In the FIR there is no specific allegation against the petitioner who is stated to be 52 years old person having clean antecedent and as per the



above submission the trial of the petitioner has started and as per the statement made in paragraph No. 8 of the petition in between both the parties a land dispute is running. Considering these facts as well as above submissions and the petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Paroo P.S. Case No. 133 of 2022, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.



(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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