

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47548 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- BAHERA District- Darbhanga

Mukesh Kumar Ray @ Mukesh Kumar Rai S/o Late Bhogendra Rai, R/o village- Rashidpur, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with Bahera P.S. Case No. 75 of 2021 lodged under Sections 341, 323, 379, 307, 147, 148 & 149 of the Indian Penal Code.

As per prosecution case, the present case has been lodged against 18 named accused persons alleging therein that they all started abusing and thereafter attacked by *Lathi*, Iron Rod, *Farsa*, *Khanti*, *Tengari*, *Hansua*, Bat etc. upon the informant. There are allegation of attacking by different persons upon all the 5 brothers of informant and taking Rs.35,000/-, watch and gold chain from the informant's side, subsequently by the said injury the brothers of informant were referred to Patna.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that there is general and omnibus allegation against the present petitioner in the F.I.R. Learned counsel further submits that for the same date and place of occurrence, there are two F.I.Rs., one is from informant side and another is from petitioner side which is Annexure-2 of the present application and by Annexure-1 and Annexure-2 it is clear that the date and place of occurrence is same. Learned counsel further submits that injuries are from both the sides. He also submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide Annexure P-3 and P-4. Learned counsel further submits that antecedent of petitioner is clean and he is in custody since 09.04.2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner is responsible for the present event and there are injuries which are serious in nature.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the

satisfaction of learned A.C.J.M.-II, Benipur, Darbhanga in connection with Bahera P.S. Case No. 75 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed. In case of non-appearance for two consecutive dates without sufficient cause, it shall result into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing bail bond that he shall not be involved in such criminal activity during the continuance of present bail bond, violation of this condition shall result into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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