

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59290 of 2021**

Arising Out of PS. Case No.-106 Year-2017 Thana- TURKAULIYA District- East  
Champaran

=====

Deepak Rai @ Deepak Kumar Yadav S/O Harihar Rai R/O Village-  
Lakshmipur, Gadariya, P.S.- Turkauliya (Raghunathpur O.P.), Distt.- East  
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ansul, Advocate  
For the Informant : Mr. Atul Chandra, Karandeep Kumar  
For the opposite party/s

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      28-09-2022                      Let the defects, if any, be removed within four weeks  
from today.

Heard Mr. Ansul, 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 Turkauliya ( Raghunathpur O.P.) P.S.Case No. 106 of 2017 for  
the offences punishable under Sections 147, 148, 149, 307, 323, 324,  
326(A), 341, 379, 380, 435, 504, 506 of the Indian Penal Code.

The prosecution case is based on a written report filed by  
the informant alleging therein that on 19.02.2017 while the  
informant was setting up a hut on the land of the informant, all the  
FIR named accused persons including the petitioner variously armed,  
came to the place of occurrence and started abusing and assaulting



the informant and his uncle. Other co-accused persons also assaulted the uncle of the informant due to which he sustained head injuries and so far as the petitioner is concerned, it is alleged that when Ajay Rai came to rescue the informant and Rajendra Rai, the petitioner (Deepak Rai) threw acid from the glass, due to which Ajay Rai got severe injuries.

Learned counsel appearing on behalf of the petitioner submits that admittedly, the FIR has been instituted on the back drop of land dispute and moreover, there is a counter version of the present case i.e. Turkauliya ( Raghunathpur O.P.) P.S.Case No. 112 of 2017 instituted by one of the member of the petitioner side. He next submits that infact a free fight has taken place on account of some dispute resulting into injuries to the members of both the sides, however the prosecution has failed to explain the injuries sustained to the members of prosecution side. The petitioner is a handicapped person and he is unable to move without help and hence his participation in the crime is doubtful. He further submits that moreover, he is in custody since 12.07.2021 having man of fair antecedent.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that specific allegation has been leveled against the petitioner that he threw acid on Ajay Rai due to which, he sustained grievous injuries and this fact has also been corroborated by the injury report.



Regard being had to the submissions and considering the nature of accusation of throwing acid over Ajay Rai, this Court is not persuaded to enlarge the petitioner on bail, hence his prayer for bail stands rejected.

However, considering the period of incarceration and the handicappedness of the petitioner, he is directed to be released on bail after framing of the charge on furnishing adequate bail bonds as also on the appropriate conditions as would be imposed by the learned trial court itself.

Accordingly, the present application stands disposed of .

**(Harish Kumar, J)**

N.K/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

