

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49349 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- BELSAND District- Sitamarhi

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RAM BALAK RAI @ RAM BALAK RAY S/o Ram Narayan Rai R/o Village
- Pachanaur, P.S.- Belsand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State

The petitioner seeks bail in connection with Belsand
P.S. Case No. 62 of 2022 registered for the offences punishable under
Sections 341, 323, 379, 353, 504, 506/34 of the Indian Penal Code.

As per prosecution case, petitioner who is husband of
secretary of school in drunken condition, entered in teachers'
chamber and began to capture photographs through mobile. It is
alleged that petitioner abused the informant in a filthy language and
began to assault the informant and snatched the golden chain from
the neck of informant. It is further alleged that informant sustained
injury over her face and also on head. It is further alleged that
petitioner confined the informant and others in a room and two co-



accused named Arun Kumar Rai and Chandan Kumar Rai locked the room from outside. Thereafter the informant gave information to the Belsand Police and the said police came there and rescued them.

Learned counsel for the petitioner submits that petitioner is in custody since 14.07.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is a social worker and used to protest against the illegal act of the police officials and teachers of school as a result of which petitioner has been falsely implicated in the case with connivance of the informant. Learned counsel of petitioner further submits that the date of occurrence is as narrated by the informant in the written report is 20.05.2022 and police came and safely brought them in Belsand thana but the information regarding the alleged occurrence was given to thana on 21.05.2022 at 11.50. No reason has been assigned regarding the alleged delay.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Sitamarhi in connection with Belsand P.S. Case No. 62 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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