

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54095 of 2022**

Arising Out of PS. Case No.-113 Year-2022 Thana- CHORAUT District- Sitamarhi

Kari Rai @ Sanjay Rai Son of Bhuneshwar Rai Resident of Village - Barri
Tehta, P.S.- Choraut, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Anil Kumar, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, APP
For the Informant :	Ms. Vaishnavi Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

from today.

Heard learned counsel for the petitioner and Mr.
Binod Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Choraut P.S. Case No. 113 of 2022 registered
for the offences punishable under Sections 323, 341, 307, 406,
504, 506,34 of the Indian Penal Code. He is in custody since
24.06.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the dispute of allocation of fund for
construction of a lavatory, the accused persons including the
petitioner surrounded the informant on 09.06.2022 near the



house of the co-accused Rajiv Rai, when the informant was going to Pupri by his motorcycle. It is alleged that the accused persons started hurling abuses at the informant and when the informant protested, they assaulted him. The informant demanded the return of his money amounting to Rs. 3,000/- which he had paid to the accused persons for allocation of lavatory fund. It has been further alleged that the co-accused Vijay Rai caught hold of the informant and the other co-accused Rajiv Rai gave order to kill him. Thereafter petitioner assaulted the informant with a manner over his head, causing serious injures to him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 24.06.2022.

Learned counsel for the informant has opposed this application stating that there is not only fracture of nasal bone but also haematoma has been found on the left parietal region of the brain. Learned counsel further submits that at present the injured is alright.

Mr. Binod Kumar, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.



Having regard to the facts and circumstances of the case, wherein it is alleged that the informant demanded return of his money amounting to Rs. 3,000/- which he had allegedly paid to the accused persons on allocation of lavatory fund and in connection with the said dispute the alleged occurrence took place wherein this petitioner is said to have assaulted the informant causing fracture of his nasal bone, the petitioner has already remained in custody since 24.06.2022 and he has otherwise no criminal antecedent, there being no submission that his release is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Choraut P.S. Case No. 113 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

