

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65170 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- PUSA District- Samastipur

RAJESH KUMAR RAY S/o- Maharaj Ray @ Maharaj Kumar Yadav R/V-
Mahmadda, P.S. - Pusa, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Md. Aslam Ansari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Pusa P.S. Case No. 65 of 2020 registered for the offences punishable under Sections 341, 323, 447, 379, 427, 307, 354 and 504/34 of the Indian Penal Code. He is in custody since 10.09.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that a panchayati was going on in respect of the land dispute. After panchayati petitioner and other co-accused came at the door of the informant lashed with weapon and started



abusing and saying that they will not obey the verdict of panchayat and ordered to beat the mother-in-law of the informant. Thereafter petitioner assaulted the mother-in-law by means of iron rod as a result of which she became injured and fell down. All the accused persons assaulted the informant and her father-in-law.

Learned counsel for the petitioner submits that petitioner has been wrongly implicated in this case. Learned counsel submits that the occurrence has taken place in course of a land dispute and there is case and counter case between the parties.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the alleged occurrence has been taken place in course of a land dispute, there is case and counter case between the parties, this petitioner is said to have assaulted the mother-in-law of the informant who has sustained one grievous injury, there is no repetition of blow by the petitioner and the petitioner is a railway employee who has remained in custody for nine months approximately in connection with this case, investigation against him is complete and his presence may be secured in course of trial, he has



otherwise no criminal antecedent, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Samastipur in connection with Pusa P.S. Case No. 65 of 2020, 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 step 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

