

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67165 of 2021

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

1. SHYAM BABU RAI Son of Jawahar Rai Resident of Village - Devkapur, P.S.- Bahera, Distt.- Darbhanga.
2. Bhushan Rai Son of Fulo Rai Resident of Village - Manoripur, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate
For the Informant	:	Mr. Arun Kumar Bhagat, Advocate
For the State	:	Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-04-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 379, 307, 147, 148 and 149 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 18.04.2021, charges have been framed and petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent.

Learned counsel for the petitioners submits that the informant alleges that 30-40 accused were assaulting his brother



and when the informant went to save him Shyam Babu Rai (petitioner no. 1) assaulted with farsa on the head of the informant causing injury. Ram Babu Rai and Raushan Rai assaulted the informant with iron, Khanti and rod hitting him on his left hand and on his head. Further, Gyani Rai and Jawahar Rai ordered the accused persons to kill all those came to save the informant and his brother whereupon accused Ram Babu, Shyam Babu, Gautam, Mukesh and Bhushan (petitioner no. 2) started assaulting them with farsa causing injury to Lalit Rai, Rajeev Rai and Kamlesh Rai on their hand and head. It is further alleged that accused persons snatched Rs.3,500/- and a gold chain from the informant. Further, the injured were taken to Primary Health Centre from where Rajeev Rai and Kamlesh Rai were referred to PMCH.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that no reason for the occurrence has been given by the informant. It is further submitted that it does not stand to reason that when 30-40 accused persons were assaulting the brother of the informant and he went to save him then how he alleged with such certainty to identify that which



accused assaulted hitting which part of the body. Learned counsel further submits that as far as allegation with respect to the petitioner no. 2 is concerned, the same is general and omnibus in nature. It is further submitted that from perusal of the injury report of the injured, it would manifest that the injury negates the allegation of assault by farsa as the injury has not been shown to be caused by sharp cutting weapon. Learned counsel further submits that co-accused Raushan Ray and Chandra Ray have been granted bail by order dated 29.03.2022 in Cr. Misc. No. 61790 of 2021.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioners and submit that there is specific allegation, at least, against petitioner no. 1 of causing injury by farsa but are not able to meet the submissions of the learned counsel for the petitioners that the injury report negates the allegation with respect to petitioner no. 1 in view of the recorded injury. Learned counsel for the informant further submits that charges have been framed and, as such, if the petitioners are granted bail they may try to delay the trial.

Considering the fact that the petitioners are in custody since 18.04.2021, charges have been framed and co-accused



have been granted bail and petitioner no. 2 is a person with clean antecedent, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sessions Trial No. 250 of 2021 arising out of Bahera P.S. Case No. 75 of 2021, with condition that in the event, if the learned court below comes to a considered conclusion that the petitioners in any manner are trying to delay the trial then in that event the learned court below shall forthwith cancel the bail bond of the petitioners after recording reasons.

(Satyavrat Verma, J)

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