

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68619 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- BATHNAHA District- Sitamarhi

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Vinod Kumar @ Vinod Ray S/o Jogindra Rai @ Yogendra Ray R/o Village-
Harpur Bhalha, P.S.- Bathanaha, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 341, 323, 307, 504, 506/34

of the Indian Penal Code.

As per prosecution case, in short, is that the informant

on 23.05.2020 at about 6:00 A.M. he went to cut the dry wood

tree from his garden then the accused persons came started

abusing saying that this tree is mine. Accused Vinod Rai snatched

the tengari from the informant and hit his head with intention to

kill, causing his head to burst and he fell down. It is further



alleged that her daughter-in-law namely Sugandhi devi and his son Ajay Rai came to save him but they were started beating and accused persons took a golden nose pin of Sugandhi Devi. The informant was brought to Sadar Hospital, Sitamarhi for treatment.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioner that he assaulted the informant. He further submits that it appears from the injury report, no evidence of skull fracture and in the cranial haermorshli is simple in nature and the sharp cutting by hard and blunt substance object. He further submits that the present case is counter blast of Bathnaha P.S. Case No. 94 of 2020 lodged by the brother of the petitioner against the informant and family members of the informant. He further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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



Court below where the case is pending in connection with Bathnaha P.S. Case No. 93 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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