

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61264 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- BHARGAMA District- Araria

Bilo Das @ Birbal Chaupal Son Of Late Sukhdeo Das @ Sukdev Chaupal
R/O Village- Kushmaul, Ward No.11, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-11-2022 Heard counsel for the parties.

The matter relates to Bhargama P.S. Case No.50 of 2021 instituted under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code lodged by Lakhan Das on 12.04.2021.

As per the prosecution case, the petitioner who is related to the informant along with his family members came to his place variously armed and started verbally abusing him. Upon his objection, it is alleged that firstly the petitioner used the *chilly* powder on him where-after Rupa Devi gave *lathi* blow. When his wife came to the place, it is alleged that Anjali Devi and Domani Devi assaulted her where-after this petitioner gave *farsa* blow firstly on her hand and later on her head as a



result thereof, she was injured. The local people assembled and saved them. He has further stated that as he was busy in the treatment of his wife, he could not lodge the FIR and there has been some delay.

Petitioner had earlier moved in this Court in Cr. Misc. No.53254 of 2021 which was rejected on 05.04.2022.

Taking into account the fact that the petitioner has already remained in custody since 03.07.2021 and the Trial is still going on and as per para-3 of bail application, he do not have criminal antecedent, this Court is inclined to grant him privilege of bail subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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