

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59216 of 2022**

Arising Out of PS. Case No.-507 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Prem Rai @ Prem Chandra Prasad Yadav Son Of Late Mahendra Rai
Resident Of Village- Kharjakhia, P.S.- Ghorasahan, District- East
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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

2 23-12-2022 Learned counsel for the petitioner undertakes to
remove the SR defects by 16th January, 2023.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Ghorasahan P.S. Case No. 507 of 2021
registered for the offences punishable under Section 341, 323,
307, 504, 34 of the Indian Penal Code. He is in custody since
28.08.2022 having no criminal antecedent as stated in paragraph
'3' of the application.

As per the prosecution story, the informant has
alleged that while receiving information that Prem Rai, Alok
Kumar and Brajesh Kumar were assaulting his parents and



uncle and aunt in the field, he reached there and found them in injured condition, thereafter all the accused persons assaulted the informant by means of lathi-danda.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that Prem Rai is said to have assaulted the informant by Lathi causing head injury, however petitioner is in custody since 28.08.2022.

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

Having regard to the uncontroverted submission on behalf of the petitioner that there is case and counter case between the parties, both the parties have suffered injuries, this petitioner has also suffered one grievous injury and further that the allegation against the petitioner is that of giving an assault by a Lathi on the head of the informant and the informant has suffered one injury, the petitioner has remained in custody since 28.08.2022, investigation against him is complete, he has otherwise no criminal antecedent and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial or his appearance cannot be secured in course of trial, 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 3rd Additional Chief Judicial Magistrate Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 507 of 2021, 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.

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

(Rajeev Ranjan Prasad, J)

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