

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65610 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- SAHPUR District- Patna

VISHWARANJAN KUMAR @ VISHWARANJAN RAI SON OF LATE
AWADH RAI R/O VILL.- DAULPUR BAGICHA, P.S.- SHAHPUR,
DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-12-2022 Heard Mr. Pushpendra Priyedarshi, learned counsel
for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Shahpur P.S. Case No. 127 of 2020 for the offences under
Sections 147, 148, 149, 323, 326, 307, 364, 379 and 302 of the
Indian Penal Code and Section 27 of Arms Act.

The matter was earlier heard vide Cr. Misc. No. 17616
of 2022 and the same was rejected on 05.09.2022.

As per the prosecution story, the informant, Sokaan Rai
alleged that when he along with his father and brothers were
planting/irrigating onion in their field, about 100 of accused



persons of which 19 named including the petitioner armed variously surrounded them and started assaulting them. The allegation is that accused namely, Krishna Rai and Daroga Rai exhorted whereafter although the informant was able to hide himself in a 'hut' but his old father and brother could not flee. He saw that Bhagwan Rai gave sword blow to his father while Laddu Rai gave a 'lathi' blow on the head of his father causing grievous injury. So far as this petitioner is concerned, it is alleged that he gave 'khanti' blow to his father on the head causing injury. The further allegation is that they fled away on a motorcycle on which they also took his brother Akhilesh, who is traceless. Accordingly, the FIR is came to be lodged on 08.04.2020 under Section 302 of the Indian Penal Code.

In this case, on 30.11.2022, report has been received vide letter no. 549 dated 06.12.2022 and as per it charges have been framed on 28.09.2022 and the summon has been issued against the charge sheeted witnesses.

There is a case and counter case in the matter in which allegations of assault on both sides are there. The petitioner has remained in custody since 01.09.2021 (as stated in paragraph-9 of the bail application).

Taking into account the aforesaid facts, this Court is



inclined to grant him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Court of A.D.J.- V, Danapur, Patna in connection with Shahpur P.S. Case No. 127 of 2020, subject to the 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 appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) 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;

(v) 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)

Jagdish/Neha/-

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