

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7956 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- HATHAURI District- Muzaffarpur

1. Uday Rai S/O Ram Kalewar Rai, Resident of village - Sahila Baijnath, P.S.- Hathauri, District- Muzaffarpur
2. Ram Kalewar Rai S/O Late Bhuneshwar Rai, Resident of village - Sahila Baijnath, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur, Advocate
For the Informant	:	Mr. Hemant Kumar, Advocate
		Mr. Jitendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

The petitioners seek bail in connection with Hathauri P.S. Case No. 189 / 2022 registered for the offence punishable under Sections 323, 324, 341, 308, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, the allegation against the petitioners is that they along with five-six unknown persons surrounded the informant on the road and started abusing him and co-accused Uday Rai assaulted him with knife causing injury over his head and Shubham Kumar assaulted him with rod causing injury over his eyes. Thereafter, all the accused



persons assaulted him with lathi and danda and when the brother of the informant came to save him he was also assaulted. They also snatched the informant's locket (golden Hanuman) and Rs. 5,600/-.

Learned counsel for the petitioners submits that the allegation against petitioner No. 1 is giving knife blow to the informant but there is no sharp cutting injury found on his person and there is general and omnibus allegation of assault against the accused persons and there is no specific allegation or overt act against petitioner No. 2. He further submits that there is land dispute and also there is case and counter case between the parties and in the occurrence petitioners also sustained injury. There is no criminal antecedent against the petitioners. Both the informant and the petitioners are co-villagers. The petitioners are languishing in jail custody since 08.12.2022.

Learned Additional Public Prosecutor appearing for the State assisted by learned counsel for the informant has opposed the prayer for regular bail of the petitioners.

Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, the court is inclined to grant bail to the petitioners. Let the petitioners, above named, be released on bail on furnishing bail



bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned concerned Court in connection with Hathauri P.S. Case No. 189 / 2022 subject to the following conditions:-

1. Petitioners 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.

2. Petitioners shall not tamper with the prosecution evidence in any manner whatsoever.

3. In case of absence on two consecutive dates without sufficient reason or if the petitioners misuse the liberty or violate any of the conditions imposed upon them their bail bonds will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

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