

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11889 of 2023**

Arising Out of PS. Case No.-125 Year-2022 Thana- RAJEPUR District- East Champaran

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RAMESH RAI @ RAMESH KUMAR S/O CHANDESHWAR RAY R/v-
Tajpur Saraiya, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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

2 04-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Rajepur
P.S. Case No. 125 of 2022 registered for the offence under
Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is alleged to have given sword blow on
his head on the instigation of co-accused, Vindeshwar Rai, as a
result of which the informant sustained deadly injury.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
there is admitted land dispute between the parties on account of
that scuffle took place between them in which both the sides have



sustained injury for which case and counter case have been lodged by both of them. He further submits that the petitioner himself has sustained injury in the alleged occurrence. He further submits that the injury report goes to show that the informant has sustained simple in injury. Moreover, the similarly situtaed co-accused, namely, Pawan Kumar, Sujit Kumar and Ashok Kumar @ Ashok Kumar Rai, have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.02.2023 passed in Cr. Misc. No. 72579 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 12.11.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Rajepur P.S. Case No. 125 of 2022 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

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

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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