

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13268 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- PARAIYA District- Gaya

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Raj Kumar Ram @ Ballu, Son of Mahesh Das, R/O Village- Garh-Paraiya,
P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Murad Ashraf, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 15-05-2023 The applicant/accused in Crime No. 419 of 2022 registered with Paraiya Police Station for the offences punishable under Sections 147, 149, 341, 307, 323, 504, 506 and 120(B) of the Indian Penal Code as well as Section 25(1-b)a, 26 and 35 of the Arms Act, by this application is seeking his release on bail during pendency of the trial.

The learned counsel for the applicant argued that injured First Informant had not disclosed the name of the applicant in the FIR lodged by her despite the fact that she had named eight accused persons attributing active role to them. Subsequently, she herself and her relatives had taken name of the applicant as one of the criminals, who assaulted her.

The learned counsel appearing for the First Informant as well as the learned Additional Public Prosecutor



opposed the application by contending that the name of the applicant is figuring in the police statement of the First Informant as well as statement of other witnesses.

I have considered the submissions so advanced. I have also perused the case diary.

The subject FIR though naming eight accused has not disclosed the name of the present applicant as one of the assailants by injured Punia Devi. Subsequently, her daughter Shiwani Kumari and her mother Sudama Devi have named the applicant as one of the assailants. In a like manner in her police statement, the informant Punia Devi has named the applicant.

Be that as it may, the injured is reportedly out of danger. She is discharged from the hospital. The offence has not travelled up to the one punishable under Section 302 of the Indian Penal Code. The applicant is reportedly having clean antecedent and therefore, the orders:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 419 of 2022 registered with Paraiya Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the



trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(A. M. Badar, J)

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