

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23308 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- GORAUL District- Vaishali

AKHILESH RAI Son of Late Baleshwar Rai Resident of village-Dhodhi
Ratan, P.S.-Kurhani (O.P. Phakuli), Dist.-Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate
For the Informant	:	Mr.Rajeev Ranjan-II, Advocate
	:	Ms.Priyanka Kumari, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in para-1 of the bail petition.

3. The petitioner seeks bail, who is in custody since
02.02.2023 in connection with Goraul P.S. Case No. 03 of
2023, F.I.R. dated 02.01.2023 registered for the offence
punishable under Sections 341,323,324,307,379,504/34 of
IPC.

4. The prosecution case, in brief, is that the
informant alleges that on 08.12.2022 he went to participate in
the marriage of daughter of Shankar Rai, his villagers



Akhilesh Rai, Deepu Kumar and Mahesh Rai also came there, in collusion they began to abuse and on protest all the accused persons started assaulting by means of iron rod to kill him. When his brother Sunil Kumar and Pappu Kumar came to save him they also assaulted by means of lathi, danda and iron rod and caused injury and snatched golden chain from Sunil Kumar and Pappu Kumar.

5. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 08.12.2022, fardbeyan has been recorded on 14.12.2022 but the present FIR has been instituted on 02.01.2023 after delay of six days without giving any explanation of delay. Further submits that the present occurrence had taken place due to previous land dispute between the parties and the allegation against the petitioner is that he assaulted to the family members of the informant, altogether three persons have sustained injury, namely, Arvind Kumar, Sunil Kumar, Pappu Kumar. Further submits that the injury report of Sunil Kumar and Pappu Kumar suggest that those injuries are simple in nature but the injury report of



Arvind Kumar suggests that the injury is grievous in nature caused by hard and blunt substance and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.02.2023.

6. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts, let the petitioner, above named, 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 A.C.J.M.-1st, Vaishali at Hajipur in connection with Goraul P.S. Case No. 03 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.



(III) 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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