

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27123 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- RAJEPUR District- East Champaran

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FULDEO RAI @ FULDEV ROY SON OF LATE HANSH LAL RAI
Resident of village - Sahbajiya, P.S. - Rajepur, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.03.2023 in connection with Rajepur P.S. Case No. 186 of
2022, F.I.R. dated 04.11.2022 for the offences punishable under
Sections 447, 341, 323, 307, 379, 504, 506/34 of the Indian
Penal Code.

According to prosecution case, in brief, is that due to
land dispute, on 10.09.2022 at about 06:00 P.M. petitioner along
with other co-accused persons came to the house of informant
and started abusing her and when the informant raised objection,
accused persons assaulted her with lathi-danda. Petitioner
Fuldeo Rai with an intention to commit murder gave knife blow
on the head of informant caused injury and when husband and



son of informant came in rescue, accused persons also assaulted them. Accused Vinod Kumar Rai and Awadhesh Rai snatched gold chain, mangal-sutra, ear ring etc. from the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and due to admitted land dispute the present occurrence has taken place. He further submits that the allegation as alleged in the F.I.R. against the petitioner is that he assaulted the informant but the injury report of the informant suggest that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.03.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Motihari in connection with Rajepur P.S. Case No. 186 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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