

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28532 of 2023

Arising Out of PS. Case No.-694 Year-2022 Thana- RAJAOLI District- Nawada

Heera Rajvanshi @LUDER Son Of Binda Rajvanshi Resident Of Village-
Chamotha, Ps- Rajauli, Distt- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
18.02.2023 in connection with Rajauli P.S. Case No. 694 of
2022, F.I.R. dated 15.12.2022 for the offences punishable under
Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian
Penal Code.

4. According to prosecution case, when the informant
and her son were at the shop, the accused persons including the
petitioner came there and started abusing for the dispute
regarding tower and assaulted the son of the informant by means
of lathi danda and this petitioner also assaulted the son of the
informant by means of sword on his head.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the F.I.R. is in two parts and according to part one, there is general and omnibus allegation against all the accused persons including the petitioner and according to part two, there is specific allegation of assault attributed against the petitioner that he has assaulted the son of the informant. He further submits that the injury report of the son of the informant suggests that the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

7. 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 Additional Chief Judicial Magistrate I, Nawada in connection



with Rajauli P.S. Case No. 694 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)

Vanisha/-

U		T	
---	--	---	--

