

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31181 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. PAWAN KUMAR RAI SON OF SRI HARIVANSH RAY @ BHUAR RAI
Resident of Mohalla Chhota Brahampur, P.S.- Bhagwan Bazar, District - Saran
2. BIJENDRA KUMAR RAI @ MITHILESH KUMAR SON OF SRI
HARIVANSH RAY @ BHUAR RAI Resident of Mohalla Chhota
Brahampur, P.S.- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Adv. Mr. Ritwik Thakur, Adv. Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s :		Mr. Bharat Lal, APP
For the informant	:	Mr. M. Murari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioners seek bail in connection with Bhagwan Bazar P.S. Case No. 56 of 2023 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The petitioners and others are alleged to have assaulted the informant and his nephew by means of knife repeatedly due to which both of them sustained injury and his nephew sustained grievous injury and taken to the hospital.

Learned counsel appearing for the petitioners submits



that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that, in fact, on account of admitted land dispute an altercation took place between the parties in which both the parties sustained injuries for which case and counter case have been lodged by both sides. He further submits that the injury sustained by the informant is opined to be simple in nature. He further submits that the injury sustained by the nephew of the informant is opined to be grievous in nature as they are found skin deep injury but they are opined to be caused by a hard and blunt substance. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners who are languishing in custody since 17.02.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioners have actively participated in the alleged occurrence and caused deadly injury to the nephew of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Chapra at Saran in connection with Bhagwan Bazar P.S. Case No. 56 of 2023 with the following



conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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