

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35991 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

LAXMAN RAY @ LUXMAN RAI son of late Lalan Rai, resident of village Mahamadpur, P.S. Bhagwanpur Hat, District Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in judicial custody in connection with Bhagwanpur Hat P.S. Case NO. 311 of 2022 registered under Sections 341, 323, 324, 302, 379, 504, 506/34 of the Indian Penal Code lodged on 28.11.2022 by the informant, Suraj Kumar.

3. As per the prosecution story, the allegation is that the petitioners and informant are agnates and on the date when the informant and his father were coming from the market after taking money, the accused persons armed variously after abusing, assaulted his father. The allegation against the petitioner as also Kundan Kumar is of giving ‘fists’ and ‘kicks’ whereas after they caught hold of his father, Baliram Ray gave



‘*knife*’ blow causing injury in his stomach and they fled away with Rs. 30, 000/-. The father of the informant rushed to the PMCH where he died on the next day. Accordingly, the FIR.

4. It is the case of the petitioner that allegation is of giving ‘*fists*’ and ‘*kicks*’ and also holding the informant’s father which is an exaggerated story, the main allegation is against Baliram Ray of giving ‘knife’ blow in the stomach which proved vital, he is in custody since 02.12.2022 (as stated in paragraph-13 of the petition) and do not have criminal antecedent.

5. Mr. Ravindra Kumar, learned counsel for the informant submits that besides giving ‘*fists*’ and ‘*kicks*’, the allegation is against him is also of holding the informant’s father facilitating knife blow by the main accused Baliram Ray.

6. Considering the submission put forward by the learned counsel for the parties as also the fact that specific allegation of assault is against Baliram Ray, he do not have criminal antecedent and he is in custody since 02.12.2022 (as stated in paragraph-13 of the petition).

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IX,



Siwan in connection with Bhagwanpur Hat P.S. Case No. 311 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

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

