

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39026 of 2023

Arising Out of PS. Case No.-479 Year-2022 Thana- MADHUBAN District- East Champaran

VIJAY RAI S/O BIKHARI RAI R/O Village - Harinarayanpur, P.S.
Madhuban, Dist. East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 31-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 06.03.2023 in connection with Madhuban P.S. Case No.479/2022, dated 11.11.2022, for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 34 of the IPC.
3. According to prosecution case, the petitioner is alleged to have given *Dab* blow upon the head of the brother of the informant due to which he received head injury.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the alleged date of occurrence is 04.11.2022 but the present F.I.R.



has been instituted on 11.11.2022 after delay of seven days without giving any explanation of delay and there is case and counter case between the parties. He further submits that due to admitted money dispute, the present occurrence has taken place. He further submits that the allegation against the petitioner in the F.I.R. is that the petitioner has assaulted Murari Kumar brother of the informant but the injury report of said Murari Kumar suggests that both the injuries are simple in nature and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 06.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 C.J.M., East Champaran, Motihari in connection with Madhuban P.S. Case No.479/2022, 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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