

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40490 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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DHARMRAJ PRASAD Son of Late Lakshmi Sah @ Laxmi Sah Resident of
village - Ganesh Tola Lakhaura, P.s - Lakhaura, Distt - East Champaran Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 2.4.2023 in connection with Muffasil (Lakhaura) P.S. Case No. 226 of 2023 for the offence punishable under Sections 341, 323, 324, 325, 307, 504, 34 of the I.P.C. lodged on 21.3.2023 by the informant Pramod Prasad.

The prosecution story, in brief, is based on the written report of the informant Pramod Prasad who alleged that on 18.03.2023 at about 07:00 Hrs, as he was sitting at the door of his house, in the meantime his agnates (1). Dharmraj Prasad (2). Bihar Prasad (3). Ramu Prasad all three sons of Late Lakshmi Sah, (4) Girja Devi, (5). Kanti Devi, (7) Aasha Devi, (8). Nibl Devi came variously armed and started abusing the informant



because of old enmity with regard to the land dispute. On protest of the informant, accused Dharmraj (Petitioner) has assaulted the informant by means of 'Khedya' with intention kill him.

Accordingly, he received injury on his. Thereafter, accused Bihari Prasad assaulted by means of iron rod on the head causing injury. Accused Ramu Prasad assaulted by means of 'lathi' on the back of the informant, causing fracture. The informant became injured and fell down on the earth. Thereafter his brother Dhanjay Prasad who was also assaulted by Bihari Prasad. The family members including the ladies too were assaulted.

It has been submitted by the learned counsel for the petitioner that due to land dispute, the present FIR has been lodged in which each and every family members have been attributed one or the other allegation.

Further, so far as this petitioner is concerned, allegation is of assaulting Pramod Prasad, the informant on his head as also on Laxmi Devi on her left hand by 'Khariya'.

He has brought on record the injury reports of the injureds issued by Sadar Hospital, Motihari, East Champaran by way of supplementary affidavit to show that the injuries



inflicted by the petitioner have been found to be simple in nature.

Further, he is in custody since 2.4.2023 (as stated in para-18 of the bail petition).

Learned APP opposes the prayer stating that the allegation is of assault on the head of the informant as also left hand of the Laxmi Devi.

Considering the aforesaid facts that the injuries have been found to be simple in nature, he is in custody since 2.4.2023 and case having been lodged will ultimately face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Muffasil (Lakhaura) P.S. Case No. 226 of 2023 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 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 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 his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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