

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53436 of 2023**

Arising Out of PS. Case No.-189 Year-2022 Thana- BACHHWARA District- Begusarai

Sanjeev Rai @ Sanjiv Rai S/O Late Laxmi Rai @ Late Lakshmi Rai @ Laxmi
Rai R/O Village- Chamtha, Gope Tola, P.S- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 23-08-2023 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 07.06.2023 in connection with Bachhwara P.S. Case No. 189 of 2022, F.I.R. dated 03.08.2022 for the offences punishable under Sections 341, 323, 307, 325, 504/34 of the Indian Penal Code.

4. According to prosecution case, due to land dispute between the parties, this petitioner along with other accused persons armed with lathi, danda etc. assaulted the informant. It is further alleged that this petitioner imparted with iron rod blow on the shoulder of the informant due to which he sustained



injury.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per the allegation alleged in the F.I.R the the petitioner has assaulted the informant on his shoulder by means of iron rod and there is no allegation of repetition against the petitioner. He further submits that the petitioner has not assaulted on the vital part of the body of the informant and he has no intention to kill the informant. He further submits that from perusal of F.I.R it appears that due to admitted land dispute the present occurrence has taken place and a proceeding under Section 144 Cr.P.C. is pending between the parties on the said land in question. The petitioner is in custody since 07.06.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 189 of 2022, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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