

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57998 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- TISIAUTA District- Vaishali

1. Dharmnath Rai Son of Bindeshwar Rai Resident of Village- Milki, P.S.- Tisiauta, District- Vaishali
2. Rakesh Rai Son of Devendra Rai Resident of Village- Milki, P.S.- Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh Mr. Mukesh Kumar, Advocates
For the Informant	:	Mr. Sabal Kumar Jha, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 341, 323, 307, 379, 504, 506 of the Indian Penal Code.

As per prosecution case, in brief, is that on 16.05.2022 at about 4:00 PM the accused persons including the petitioners came there armed with lathi, danda, farsa and started abusing the informant and on protest petitioner namely Rakesh Rai caught him from behind and petitioner no. 1 Dharmnath Rai inflicted farsa blow on the head of the informant due to which blood was oozing and the informant fell down. It is further alleged that when the informant's mother



Girja Devi came to save him, accused Mohan Rai inflicted farsa blow on her head causing injuries and co-accused Kundan Kumar snatched her gold Jitia worth Rs. 45,000/-.

Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that there is case and counter case and there is admitted land dispute between the parties and both the parties are *agnates* and *pattidar*. He further submits that as per allegation in the F.I.R. that the petitioner Dharmnath Rai has inflicted farsa blow on the head of the informant and the petitioner namely Rakesh Rai caught hold the informant. He further submits that in fact there is free fight between the parties and the petitioner no. 1 is also injured in the present occurrence and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 21.08.2022.

Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no. 1 carries three more cases other than the present one where as petitioner no. 2 carries two more cases other than the present one and all the cases have been filed by the informant's side.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tisiauta P.S. Case No. 51 of 2022, 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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