

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66337 of 2023

Arising Out of PS. Case No.-228 Year-2018 Thana- GARKHA District- Saran

Vijay Rai Son Of Bhuneshwar Rai Resident Of Village- Rustampur, Ps-
Garkha, Distt- Saran At Chapra

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Garkha P.S. Case No. 228 of 2018 lodged under Sections 341,
323, 324, 307, 504, 506/34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 4 named accused persons including the
petitioner.

4. Learned counsel for the petitioner submits that as
per the F.I.R., the four accused persons reached at the house of
the informant and started assaulting the informant's side. The
specific allegation is against the petitioner that he has attached
by farsha on the head of the informant's son due to which injury
took place.

5. Counsel further submits that both petitioner and the informant belong to same village and on petty dispute, the occurrence took place. He submits that the allegation of attack by *fursha* is false as the injury report is Annexure-2 of the bail petition by which it transpires that cause of injury is hard and blunt substance and the injury is simple in nature.

6. Counsel further submits that petitioner is in custody since 10.07.2023, having clean antecedent. He submits that due to mistake, he could not disclose the custody in the bail application whereas in the order sheet, it is categorically mentioned that petitioner is in custody since 10.07.2023.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Saran, Chapra in connection with Garkha P.S. Case No. 228 of 2018, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J.)

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