

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65393 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- PHULWARIA District- Begusarai

Aklu Ray @ Aklu Rai S/O Late Ramswaroop Rai Resident of village-
Phulwariya-03, Ward no- 02, P.S.- Phulwariya, Distict- 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. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-04-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and
apprehend his arrest in connection with Phulwaria P.S. Case No.
54 of 2022 registered for the offences punishable under Sections
147, 341, 323, 307, 354(B), 379, 385 and 506 of the Indian
Penal Code (in short 'I.P.C.').

The allegation against this petitioner is to assault
informant and others alongwith other co-accused persons/family
members while equipped with iron rod, khanti, lathi, danda, etc.,
where daughter-in-law of the informant received injury as
alleged to be accused by co-accused Dilip Rai. It is also alleged



thereof that petitioner misbehaved with daughter-in-law of the informant, namely, Rubi Devi and also tried to outrage her modesty with further allegation to snatch her nose-pin.

Learned counsel appearing on behalf of the petitioner submitted that the allegation, as regard to assault, is appearing very much general and omnibus against this petitioner and moreover, the nature of injury as per medical report received by the injured are simple in nature, sufficient to suggest that the injury was not sufficient to cause death in ordinary course of nature and, as such, allegation lodged under Section 307 of the I.P.C. is not appearing convincing on its face. It is also pointed out that similarly situated co-accused persons, namely, Dilip Rai, Sakal Rai, Babita Devi and Janki Devi have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 49224 of 2022 vide order dated 13.12.2022. While concluding the argument it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of manner of assault, which is appearing very much general and omnibus, where alleged injury also appears to



be simple in nature, the above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to 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 the learned Additional Chief Judicial Magistrate-I, Begusarai/concerned Court, where the case is pending in connection with Phulwaria P.S. Case No. 54 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 tamper 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.”

(Chandra Shekhar Jha, J)

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