

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74565 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

CHHOTELAL RAI S/o Late Matar Rai R/v- Saghari, P.S.- Siwaipatti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.09.2022 in connection with Siwaipatti P.S. Case No. 162 of
2022, F.I.R. dated 01.09.2022 for the offences punishable under
Sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the
Indian Penal Code.

According to prosecution case, in brief, is that on
26.08.2022 when the informant went to his field when saw that
his villagers Kalajamun Devi, Kavita Devi and Arti Devi were
cutting grass and plant in his land when he restraint them, they
started abusing the informant. It is further alleged that Chhotelal
Rai assaulted by farsa on the head of the informant sustained
open head injury and oozing blood from his head and when
family members came to save the informant, they were also



being assaulted.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute. He further submits that as per allegation as alleged in the F.I.R. that the petitioner has assaulted the informant by means of Farsa on the head of the informant but the injury report of the informant namely, Shivji Rai suggest that the injury is simple in nature cause by hard and blunt object. He further submits that in view of the injury report, the allegation against the petitioner as alleged in the F.I.R. is false and fabricated. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.09.2022

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

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 S.D.J.M., East, Muzaffarpur in connection with Siwaipatti P.S. Case No. 162 of 2022, subject to the following conditions:-



1. 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.

2. 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.

3. 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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