

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5757 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

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RAMESHWAR RAI SON OF LATE GAGANU RAI @ GAGUN RAI R/O-
AWDIYA, P.S.-RAJEPUR, DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Siwaipatti P.S. Case No. 138 of 2023 instituted under Sections 341, 323, 325, 354(B), 353, 307, 504, 506/34 of the Indian Penal Code lodged on 18.7.2023 by the informant, Sumanjee Jha.

3. As per the prosecution story, the informant alleged that to apprehend the accused persons in criminal cases, as the police moved and tried to arrest accused, Mahesh Rai, all the named accused persons which include the family members started throwing stones on the police as also resorted to assault.

4. Allegation against this petitioner is of giving 'Fasul' blow on the informant himself which hit his hand causing injury. The allegation against the other accused persons is also of



taking to outrage the modesty of the female police.

4. Learned counsel for the petitioner submits nowhere though the bandaged hand of the informant is part of the FIR, nothing on record to show whether the injury was simple or grievous. The further submission is that entire family members have been implicated and role assigned, this petitioner being 75 years old and head of the family, deliberately his name has been incorporated. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/-, out of which, Rs. 5000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential and rest Rs. 5000/- to the Chief Minister's Relief Fund, Bihar.

5. Learned APP opposes the prayer stating that allegation against is of assaulting the informant on his hand and the photo of the injury is part of the FIR.

6. Though the injury on his hand is part of the FIR, considering the fact that the petitioner is 75 years old, most of the persons have been made accused, this Court is inclined to extend him privilege of anticipatory bail subject to payment of



Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Siwaipatti P.S. Case No. 138 of 2023 to the satisfaction of learned Sub Divisional Judicial Magistrate, East Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

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

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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