

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15669 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- RAJPUR District- Buxar

Subhash Rai, Son of late Roop Narayan Rai, Resident of vill.-Sikaraul, P.S.-
Rajpur, Distt.-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-03-2024 Heard Dr. Kamal Deo Sharma, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rajpur P.S. Case No. 125 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioner is of assaulting the informant by the butt of a rifle causing injury on his left shoulder and also snatching his two golden rings of worth Rs. 50,000/-.

4. It is submitted on behalf of the petitioner that from the narratives made in the FIR, it is evident that the petitioner and the informant are co-villager and prior to the present occurrence, there had been a case pending against the petitioner.



However, sofar the said case is concerned, in connection of which an allegation has been levelled that the petitioner was pressurizing the informant not to depose, that case came to be quashed by a co-ordinate Bench of this Court vide order dated 08.08.2023 in Cr. Misc. No. 6898 of 2018. Further submission has been made that there is counter version of the present case being Rajpur P.S. Case No. 126 of 2023. Moreover, the injury alleged to have sustained to the informant is found to be simple in nature, the copy of the injury report has been produced as Annexure-2 to the bail petition. It is next submitted that besides the criminal case, which has been quashed by this Court, the petitioner has also been implicated in two other criminal cases but they are of the year 2012-2013, in which he is already on bail. Moreover, the petitioner undertakes that he will fully cooperate in the proceeding of the Court and will not indulge in such type of activities in future.

5. On the other hand, learned counsel for the State, vehemently opposed the bail application and submitted that the petitioner assaulted the informant by means of butt of the rifle, apart from his criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury



and the case and counter case between the parties, apart from the undertaking of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 125 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with following conditions:

(I) One of the bailors shall be the own/close family members of the petitioner.

(ii) During subsistence of his bail, if the petitioner is found indulge in tampering of the evidence or intimidating the witness, the prosecution shall be at liberty to file adequate application for appropriate action.

(Harish Kumar, J)

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