

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21321 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- RAGHOPUR District- Vaishali

NUNU RAI SON OF LATE MUNSHI RAI RESIDENT OF VILLAGE -
JAFRABAD DIH, POLICE STATION - RAGHOPUR, DISTRICT -
VAISHALI, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Raghapur P.S. Case No. 262 of 2023 for the offence under sections 147, 148, 341, 323, 324, 307, 379, 504 and 506 of the I.P.C. lodged on 01.11.2023 by the informant, Manish Rai.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused persons armed variously came and started abusing him. Upon protest, allegation is that Umesh Rai caught hold of him and Dharmdas Rai, Arjun Kumar and Pawan Kumar assaulted him. When the father and the grandfather came to his rescue, co-accused Rajendra Rai caught hold of his father and Dharmdas Rai and Umesh Rai again gave

a '*Bhala*' blow indiscriminately. The same allegation is with regard to assault of his younger brother whereafter they were taken to Primary Health Centre, Raghapur and then to N.M.C.H, finally to P.M.C.H., Patna. This followed the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the allegation mainly is against Dharmdas Rai, Pawan Kumar and Umesh Rai. His name is there in the FIR, but no role alleged. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that all the accused persons assaulted the informant and his family members.

6. Taking into account the aforesaid submission of the learned counsel for the petitioner and also that he do not have criminal antecedent and his age is sixty years, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-I'st Class, Vaishali,

Hajipur, in connection with Raghapur P.S. Case No. 262 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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;

(iv) 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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