

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29763 of 2024

Arising Out of PS. Case No.-499 Year-2023 Thana- VAISHALI District- Vaishali

Jailash Rai @ Jailal Rai son of Late Ramchandra Rai Village- Rahimpur
Suhai Ps- Vaishali Dist- Hajipur at Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner as well as

learned counsel appearing on behalf of the informant and

learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Vaishali P.S. Case No. 499 of 2023, registered on 14.11.2023 for the offences under Sections 341, 323, 324, 307, 379, 354, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons tried to capture the land of the informant and when the informant forbade them, the informant was assaulted by the petitioner and others. The allegation against the petitioner is that he gave knife blow causing cut injury in the right hand of the informant. Further allegation



against the petitioner is that he took gold locket from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The present case is counter blast of Complaint Case No. 3333 of 2023 filed on 21.11.2023 against the informant and others. Learned counsel further submits that apparently occurrence took place on the first time on 30.10.2023 at 8.30 P.M. and the FIR was registered on 14.11.2023 and there is no explanation for such inordinate delay. Learned counsel further submits that both parties are agnates and there is land dispute between the parties and Title Suit No. 20 of 2019 is pending in the court of learned Munsif 1st, Hajipur at Vaishali. Learned counsel further submits that though the injury stated to be caused by the petitioner is said to be grievous but is not on the vital part of the body and there could be no application of offence under Section 307 of the IPC as there is no repetition of blow and danger to the life of any person. The petitioner has got no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel appearing on



behalf of the informant submits that the fardbeyan was recorded on 03.11.2023 and thereafter, the FIR has been registered but after some delay which is on the part of the police. Learned counsel further submits that the injury caused by the petitioner is quite grievous.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that in the background of land dispute there is case and counter case between the parties, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Vaishali at Hajipur/concerned court in connection with Vaishali P.S. Case No. 499 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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