

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28516 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- MASHRAK District- Saran

Dharmendra Ray S/O Daroga Ray R/O Village- Bangra, P.S- Mashrakh,
Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 20-09-2024 Heard learned counsel for the petitioner, learned
counsel for the State and also the counsel for the informant.

2. The petitioner is in judicial custody in connection with Mashrakh P.S. Case No. 276 of 2023 for the offence punishable under Sections 341, 323, 325, 307, 34, 302 of the Indian Penal Code lodged on 27.05.2023 by the informant, Dharmendra Kumar Yadav.

3. As per the prosecution story, the informant alleged that when his brother, Shailesh Kumar objected to the digging of the land, the accused persons armed variously started assaulting him and his family members. The allegation is that Dharmendra Rai gave 'Rod' blow to Shailesh Kumar while Tarkeshwar Rai gave 'Khanti' blow to his mother, Gyanti Devi. Subsequently, the mother died. The other accused persons also assaulted.



Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that so far as assault on the head is concerned, it is attributed to Tarkeshwar Rai, against the petitioner the allegation is of assaulting on the leg though, he concede that injury has been shown but no injury report is on record.

5. It is his further submission that both are agnates, there is admitted land dispute, case and counter case and he is in custody since 23.02.2024, the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned counsel appearing on behalf of the informant submits that though, the injury of the Shailesh Kumar is not on record, he was treated firstly in the Primary Health Centre, Mashrakh, Saran and thereafter in the Kumar Nursing Home, Patna but surprisingly, the injury report is not part of the police investigation/charge sheet submitted. He submits that the



appropriate steps shall be taken to get it incorporated by filing an appropriate petition before the concerned Court.

7. Learned APP too opposes the prayer for bail.

8. Considering the aforesaid submission, the allegation is there, as per the F.I.R., the role has been attributed to the petitioner, though from the records/case diary, the injury report of the Shailesh Kumar is missing, he is in custody since 23.02.2024, there is no criminal antecedent and there is counter version also, in that background this court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- 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.

9. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st class, Saran, Chapra, in connection with Mashrakh P.S. Case No. 276 of 2023 subject to the following conditions:

(i) One of the bailor should be the family member/relative of the petitioner who shall provide official document to show his 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 appear before the concerned police station every month for next one year to mark his attendance.

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

(v) 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)

Ankit Kumar/-

U		T	
---	--	---	--

