

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37216 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- PIYAR District- Muzaffarpur

Mahesh Rai @ Mahesh Ray S/o Late Gonu Rai R/o vill - Hattha Tola Kalyan
Nagar, P.S. - Piyar (Hathho O.P.), Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Saroj Kumar Sharma, Advocate
	:	Mr. Vikash Kumar, Advocate
	:	Mr. Anupam Bahadur, Advocate
	:	Mr. Sunny Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is in custody in connection with
Piyar (Haththa O.P) P.S. Case No. 279 of 2023 for the offence
punishable under sections 341, 323, 354, 379, 307, 447, 448,
504, 506 and 34 of the Indian Penal Code lodged on 25.12.2023,
by the informant, Mukesh Ray.

3. As per the prosecution story, the informant alleged
that when he had gone to attend *Tilak* ceremony and only female
members were in the house, the accused persons due to old
dispute, started abusing his daughter who had gone to purchase
some household items. As she came and complained to her



mother and when she went to enquire about the incident, not only she was abused, the accused persons assaulted with iron rod causing injury on her head and hand, she became unconscious. Accordingly, the FIR.

4. It is the case of the petitioner that there is a three days delay in lodging of the F.I.R. which has not been explained and allegation of assault on the head has been attributed to him, the same has been found to be simple in nature. It has also been informed by the learned counsel for the petitioner's that in the meantime the petitioner's son committed suicide in the last week and he could not even participate in the cremation.

5. Learned counsel appearing on behalf of the informant and the State on the other hand submits that he has assaulted the lady on the head.

6. Considering the aforesaid facts as also that he has remained in custody since 03.02.2024 (paragraph no.11 to the petition), there is delay in lodging of the F.I.R. and the petitioner has no criminal antecedent, his son has committed suicide as stated above, this Court is inclined to extend him the privilege of bail.

7. 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, (East), Muzaffarpur, in connection with Piyar (Haththa O.P) P.S. Case No. 279 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/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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