

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43538 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- PHULWARIYA District- Gopalganj

Raghav Pandey @ Ragho Panday S/o Late Ram Ratan Pandey R/o Vill -
Maripur, P.S. Phulwaria, Distt. - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Advocate Mr. Prashant Kumar, Advocate Mr. Dineshwar Pandey, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2024 Heard Mrs. Soni Srivastava, learned Counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is an accused in connection with
Phulwaria P.S. Case No. 175 of 2023 registered for the offences
under sections 341, 323, 324, 307, 326, 447, 504, 506 and 34 of the
Indian Penal Code lodged on 19.05.2023 by the informant, Nagmani
Singh.

3. As per the F.I.R., the informant alleged that there was a
wedding in the family and he was getting prepared when the accused
persons armed variously came and assaulted a number of family
members. So far as this petitioner is concerned, he along with
Pradeep Singh and Arun Kumar Singh assaulted Chhatish Kumar Rai
by *farsa/sword*, causing severe injury in his hand, injured were taken
for treatment which followed the F.I.R.



4. Learned Counsel for the petitioner though concedes that the injury on the hand has been found to be grievous in nature submits that the allegation is against three accuseds which include this petitioner beside Pradeep Singh and Arun Kumar Singh and there is no allegation of second blow on the person of the injured. She submits that he do not have criminal antecedent and will be diligently appearing in trial, if granted the benefit of bail. Further, she submits that some of the accused persons have been granted bail as contained in Annexure-P/7 series (Chandrashekhar Chaudhur @ Chandrashekhar Singh @ Chandra Shekhar Chaudhary -Cr. Misc. No. 46364 of 2023/ Birkeshwar @ Bir Chaudhar-Cr. Misc. No. 66490 of 2023).

5. 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 (s) on its own would like to contribute towards the medical assistance of Rs. 25,000/- 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 injured (Chhatish Kumar Rai) after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that he along with other accused persons caused injury/fracture to the informant's side.

7. Taking into account the aforesaid facts as also that the



allegation beside him is against Pradeep Singh and Arun Kumar Singh, he do not have criminal antecedent, some of the accused persons have been granted bail, as stated above, he is in custody since 30.04.2024 (as stated in paragraph-19 of the petition), this Court is inclined to grant him privilege of bail but only after framing of the charges subject to payment of Rs. 25,000/- to be paid to Chattish Kumar Rai (injured), as stated above.

8. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-XVI, Gopalganj in connection with Phulwaria P.S. Case No. 175 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 till the conclusion of trial to mark attendance;

(iv) 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 his 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 the bail bonds.

(Rajiv Roy, J)

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