

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.50146 of 2024

Arising Out of PS. Case No.-436 Year-2023 Thana- GAURICHAK District- Patna

Gopal Rai @ Gopal Kumar S/O Nagina Rai R/O Village- Jamalpur, P.S-
Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Nityanand Kumar, Advocate
For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Gaurichak P.S. Case No. 436 of 2023 registered under Sections 147, 149, 341, 323, 302, 307, 379, 504, 506, 34 of the Indian Penal Code lodged on 27.07.2023 by the informant, Surendra Rai.

3. As per the prosecution story, the informant has alleged that his brother had sold soil of twenty four Kathas to Nagina Rai and Dinesh Rai. When it was protested by the informant's side, allegation is that the co-accused persons Dinesh Rai as also Lalu Rai assaulted Sunil and Harendra by sword and iron rod respectively. So far as the petitioner No. 5, Gopal Rai is concerned, he assaulted the informant. Allegation against co-accused Ranjan Rai is of assaulting his son, Harendra Rai, causing injury near his eyes. This followed another assault



by him on the head of Harendra Rai, as a result, he became unconscious. The presence of co-accused, Rahul Kumar is also there in the FIR. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the sole petitioner, Gopal Rai @ Gopal Kumar is before this Court. His name has come in the later part of the FIR that he assaulted on the head of the informant causing injury. With the help of paragraph 9, he submits that in the entire case diary no injury report of the informant has been recorded and in that backdrop, the petitioner deserves bail.

5. Learned APP for the State opposes the prayer and submits that the allegation of assault on the head of the informant is on this petitioner.

6. Though there is allegation of assault on the head of the informant, as per the statement made in paragraph 9, there is no injury report regarding the informant, the petitioner do not have criminal antecedent and is in custody since 02.04.2024, this Court is inclined to extend him privilege of bail.

7. If however, it is found that there is indeed injury of informant on his head, the order shall become infructuous.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of the learned A.C.J.M. VI,
Patna City, District- Patna in connection with Gaurichak P.S.
Case No. 436/2023, 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months 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)

Ranjeet/-

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