

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51811 of 2024

Arising Out of PS. Case No.-211 Year-2022 Thana- RAGHUNATHPUR District- Siwan

Raj Kishore Chaurasia @ Raj Kishore Prasad Son of Late Uma Shankar
Prasad R/o Village- Khujwa, P.S.- Raghunathpur, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Md. Arif, APP
For the Informant	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner in this case is seeking regular bail in connection with Raghunathpur P.S. Case No. 211 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code. He has got one criminal antecedent in which he is on bail. He is in custody since 29.05.2024.

3. As per the prosecution story, on 18.09.2022 at about 06:30 A.M. when the informant was talking to his aunt, the petitioner assaulted the informant on his head by means of *farsa*, as a result of which the informant had sustained a grievous injury. It is alleged that one Rakesh Chaurasia

assaulted him with *lathi* and one Rahul Chaurasia snatched gold locket worth Rs. 20,500/- from him.

4. Earlier, his prayer for pre-arrest bail was rejected by this Court *vide* order dated 17.05.2024 passed in Cr. Misc. No. 45844 of 2023.

5. It is submitted that the occurrence has taken place on account of political rivalry, the petitioner belongs to the group of *mukhiya* whereas the prosecution party belongs to the other side and there is a case and counter case between the parties with respect to the same occurrence. It is further submitted that the petitioner has got one criminal antecedent of petty nature in which he is on bail.

6. The prayer for bail has been opposed by learned counsel for the informant and learned APP for the State. It is submitted that there is a specific allegation that this petitioner had assaulted the informant by a *farsa* and that has caused grievous injury.

7. Having heard learned counsel for the parties as also on perusal of the records, on finding that there is a case and counter case between the parties with respect to the same occurrence and they have two different stories to say about the occurrence and manner of occurrence, the petitioner is said to

have assaulted the informant only once and has not repeated the blow, the investigation against him is complete and charge-sheet has already been filed, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Siwan in connection with Raghunathpur P.S. Case No. 211 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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