

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53655 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- RASULPUR District- Saran

Dilip Soni S/o Late Bhagwan Sah R/o vill - Asahani, P.S. - Rashulpur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-10-2024 Heard Dhananjay Mishra, learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is in custody in connection with Rasulpur P.S. Case No. 80 of 2023 for the offence under Sections 341, 447, 337, 307, 506/34 of the Indian Penal Code lodged on 04.04.2023 by the informant, Devbandhu Ojha.

3. As per the prosecution story, the informant alleged that due to sprinkling of the water on the wall, scuffle took place which followed assault on the informant side causing injury on the head as also the hand. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent. A minor scuffle took place due to sprinkling of the water which has been given the colour of assault. Further, though other injuries have been found to be simple, the injury on the hand has been recorded as grievous for which he has



already suffered by being in custody since 01.03.2024 (para-9 of the petition). Further, 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/- to the informant 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.

5. Learned APP opposes the prayer for bail submitting that so far as the injury on hand is concerned, the same is grievous in nature.

6. Though one of the injuries has been found to be grievous on the hand, he is in custody since 01.03.2024, do not have criminal antecedent and will be facing the trial ultimately, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

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, Saran at Chhapra in connection with Rashulpur P.S. Case No. 80 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 the 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 fortnight for next six months to mark his 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 bail bond.

(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)

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