

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65223 of 2024

Arising Out of PS. Case No.-69 Year-2022 Thana- PHENHARA District- East Champaran

Upendra Rai Son of Late Nandu Rai Resident of village - Gaibandhi, P.S.-
Phenhara, District - East Champaran. (In the impugned order Age of
Petitioner is 42 has wrongly been mentioned).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Informant	:	Mr. Kundan Rathore, Advocate
For the State	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner, Mr. Kundan Rathore, learned counsel for the Informant
as well as Mr. Anil Prasad Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
17.06.2024, in connection with Phenhara P.S. Case No. 69 of
2022, F.I.R. dated 17.05.2022 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 379, 307 of
the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he has
brutally assaulted the brother of the informant with the rod on
his hand and the hand was fractured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in



the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. There is case and counter case between the parties. He further submits that from perusal of the F.I.R. it appears that there is specific allegation against the petitioner is that he has brutally assaulted the brother of the informant with rod on his hand and the hand was fractured. He further submits that although the brother of the informant has received injury in his hand and doctor has opined that the injury is grievous in nature but the injury report of the brother of the informant suggests that the injury is not on the vital part of the body.

5. The learned Additional Public Prosecutor for the State as well as learned counsel for the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in all the pending matters which was instituted by the informant's side.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, East Champaran at Motihari or
Successor Court in connection with Phenhara P.S. Case No. 69 of
2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present as directed by the Court and
on his absence on two consecutive dates without sufficient
reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the
witness, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(3) 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
antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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