

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74796 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- EKMA District- Saran

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1. BRAJESH KUMAR RAI @ BRAJESH KUMAR RAJBHAR SON OF LATE GAURI RAI RESIDENT OF VILLAGE- BHUWARPUR/BHUNDHARI, P.S.- EKMA, DISTRICT- SARAN
 2. MUKESH KUMAR RAJBHAR @ MUKESH KUMAR SON OF LATE GAURI RAI @ GAURI SHANKAR RAJBHAR @ GAURI SHANKAR BHAR RESIDENT OF VILLAGE- BHUWARPUR/BHUNDHARI, P.S.- EKMA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Adv.
For the Opposite Party/s : Mr.Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Ekam P.S. Case No. 167 of 2023 and corresponding Trial No. 633 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 is said to have assaulted informant's son (Sonu Kumar) by means of knife as a result of which he sustained injury on the upper part of his left hand. It is alleged that on second occasion petitioner no. 1 is said to have assaulted informant's son upon his chest as a result of which he sustained injury and fell down. It is further alleged that



petitioner no. 2 also assaulted informant's son by means of *gupti* which hit him on the left side of his waist.

4. Learned counsel for the petitioners submits that the injury report of injured Sonu Kumar indicates that three injuries have been sustained by the victim which are said to have been caused by the petitioners. He further submits that injury no. 1 and 2 are simple in nature whereas nature of injury no. 3 (chest pain) has been kept reserved. He further submits that the Investigating officer has stated in para 57 of the case diary that the x-ray plate and injury report has not been submitted by victim Sonu Kumar. Petitioner no. 1 is in custody since 14.07.2023 and petitioner no. 2 is in custody since 13.06.2023 and they bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – Vth, Saran at Chapra in connection with Ekma P.S. Case No. 167 of 2021 corresponding Trial No. 633 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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