

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83099 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. RAM BRIKSH RAI @ RAMBRIKSH RAY SON OF LATE SHADEV RAY
R/O VILLAGE- CHAKNOOR, P.S.- MUFFASIL, DIST.- SAMASTIPUR
 2. JIWACHH RAI @ JIWACH RAY SON OF LATE SHADEV RAY R/O
VILLAGE- CHAKNOOR, P.S.- MUFFASIL, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Samastipur (Muffasil) P.S. Case No. 375 of 2023 for the offence under sections 323, 341, 324, 307, 379, 506, 34 of the I.P.C. lodged on 04.08.2023 by the informant, Akhilesh Ray.

3. As per the prosecution story, the informant alleged that the accused persons came, abused and thereafter, assaulted the informant as also his son. The allegation against petitioner no. 1 is of giving injury on the leg while the petitioner no. 2 injured his head. Accordingly, the FIR.

4. In this case, case diary was called for by a co-



ordinate Bench which has since been received and the learned APP has pointed out that while the injury no. 1 has been found to be simple in nature. So far as the injury no. 2 relating to the head is concerned, the same is grievous in nature.

5. In the aforesaid background, so far as the petitioner no. 1, Ram Briksh Rai is concerned, since he do not have criminal antecedent and injury inflicted by him is simple in nature, this Court is inclined to extend him the privilege of anticipatory bail.

6. So far as the petitioner no. 2, Jiwachh Rai is concerned, he gave blow on the head of the informant causing injury and as per the case diary, the same has found to be grievous in nature, this Court is not inclined to extend him the privilege of anticipatory bail, which is accordingly rejected.

7. Let the petitioner no. 1, Ram Briksh Rai be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 375 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner no. 1 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 1 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 their bail bond by the Trial Court itself;

(iii) the petitioner no. 1 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner no. 1 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 the bail bonds;

(v) the petitioner no. 1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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