

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1246 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- MADHAURAH District- Saran

Saheb Rai, S/o Late Shambhu Rai Resident of Village Awanrhi, P.S. Marahaurah District Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Resident of Village Awanrhi, P.S. Marahaurah District Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Marahaurah (Madhaurah) P.S. Case No. 392 of 2022, lodged on 15.06.2022 under Sections 341/323/504/324/325/506 of the Indian Penal Code and section 307 of IPC was added later on.

3. As per the prosecution case, the FIR has been lodged against two named accused persons including the present petitioner. It has been alleged in the FIR that two named persons reached near the house of Sona Lal Sah where accused petitioner caught the informant's son and started abusing and attacked him by knife due to which informant's son got injured.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that there is a long enmity going on between the informant's side and petitioner's side. Counsel further submits that in the year 2011, a case has been filed by the petitioner's side upon the informant's side bearing Madhawra P.S. Case No. 228 of 2011 in which trial is going on and there was a continuous pressure from the informant's side to close the case for which they are not ready.

5. Learned counsel for the petitioner submits that with a view to create pressure, the present case has been filed against the petitioner by the informant which is lodged as Marahaurah (Madhaurah) P.S. Case No. 392 of 2022. Counsel also submits that the injury report has been annexed as Annexure-2 and from the said injury report, it is clear that three injuries were simple in nature and the injury which was alleged to be caused in stomach is by hard and blunt substance.

6. Learned counsel for the petitioner submits that co-accused have been granted bail by a co-ordinate Bench of this Court *vide* order dated 28.03.2023 passed in Cr. Misc. No. 74002 of 2022. He further submits that the antecedent of the petitioner is clean and he is in custody since 01.11.2023.

7. Learned APP for the State opposes the prayer for



bail of the petitioner.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marahaurah (Madhaurah) P.S. Case No. 392 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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 failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and



(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 the bail bonds.

(Dr. Anshuman, J.)

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