

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20944 of 2025

Arising Out of PS. Case No.-428 Year-2023 Thana- MASHRAK District- Saran

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Kameshwar Rai Son of Sama Ray @ Sabha Ray Village- Pachkhanda PS
-Mashrakh District -Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate
For the State : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-04-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mashrakh P.S. Case No. 428 of 2023 for the offence under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code, lodged on 14.08.2023 by the informant, Jaglal Prasad.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused persons armed variously came and the allegation is that:

(i) Sima Devi assaulted by farsa causing injury on the head;

(ii) Kameshwar Rai and Antu Kumar assaulted Vicky Kumar by lathi which resulted into injury on the head;

(iii) Mantu Kumar and Anil Rai assaulted Tetri Devi



by farsa again on the head;

(iv) Prabhu Rai, Rajpati Devi and Lakhni Devi assaulted Sunita Devi while Sima Devi exhorting them to assault them. This led to the F.I.R.

4. Learned counsel for the petitioner submits that so far as this petitioner is concerned, he is alleged to have assaulted Vicky Kumar and the injury with the help of Annexure P/3 have been shown to be simple in nature. Further, without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.10,000/- to Vicky Kumar for the treatment by Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that allegation of assault as also he has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that the injuries have been found to be simple in nature, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the Vicky Kumar by Demand Draft issued by the local branch of State Bank of India and the receipt has to be submitted before the Trial Court and after checking credentials to be handed over to Vicky Kumar.

7. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Saran at Chapra, in connection with Mashrakh P.S. Case No. 428 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with 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/her 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/her 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 the bail bonds;



(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 bail bonds.

(Rajiv Roy, J)

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