

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23641 of 2025

Arising Out of PS. Case No.-317 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Laxmi Kant Rai @ Laxmi Kant Ray S/o Gango Mandal Rai @ Gango Ray
R/o Village- Sughrain, PS.- Kusheshwar Asthan, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidyanath Prasad
For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Kusheshwar Asthan P.S. Case No. 317 of 2023 registered

for the offences punishable under Sections 341, 323, 324,

308, 504 and 34 of the I.P.C.

3. As per prosecution case, there is allegation

against the petitioner who is said to have assaulted

informant's son Sundaram by means of bamboo stick. It is

alleged that co-accused Chandramohan Rai also assaulted

informant's son Sundaram by means of iron rod as a result

of which victim sustained injury on head.



4. Learned counsel for the petitioner submits that petitioner is in custody since 12.02.2025 and he bears criminal antecedent of one case and after investigation final form has been submitted and same has been accepted by learned trial court. He further submits that Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that allegation against the petitioner is just to assault the informant's son and injuries are simple in nature caused by hard and blunt substance, though, informant's son sustained injury on head but from the perusal of the FIR it is crystal clear that specific allegation of assaulting upon head by means of iron rod is against the co-accused Chandramohan Rai. Learned counsel for the petitioner further submits that dispute between children has culminated to file FIR against the petitioner. Learned counsel further submits that alleged occurrence took place on 12.09.2023 and FIR has been lodged on 15.09.2023 which casts doubt on the authenticity of the FIR. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.



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

6. Considering the facts and circumstances of the case, period of custody, 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 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 A.C.J.M, Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 317 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) Petitioner 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 petitioner tampers 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)

vashudha/-

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