

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87711 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- BAJPATTI District- Sitamarhi

Manjit Rai S/O Virodhan Rai R/O Village- Mahuain @ Mahuaine, P.S. -
Bajpatti, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Bajpatti P.S. Case No. 239 of 2023 for the offence punishable under Sections 341, 323, 324, 308, 354(B), 379, 504, 506/34 of the Indian Penal Code lodged on 05.08.2023 by the informant, Sheoji Rai.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused attacked the informant's side and the allegation is that on the order of Talewar Rai, Virodhan Rai gave Farsa blow to Sheoji Rai. When his nephew , Virodh Rai came to his rescue, the allegation against this petitioner of giving sword blow on the head causing injury to him. The lady Lalita Devi was also assaulted and the allegation is that Bachu Rai outraged her modesty. Further allegation is of



snatching of gold chain and taking away the amount. This led to the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case relating to land dispute, his case is earlier one and on the same day while the case of the informant is five days later in which only to implicate, allegations have been made specific. Free for all assault took place between the parties, both sides suffered injuries though one of the injury of Binod Rai has been opined to be danger to life, others injuries are simple in nature. The petitioner is in custody since 23.09.2024 having no criminal antecedent. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.15,000/- to the informant, Binod Rai through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that though there is delay in lodging of the FIR, as per the Doctor's opinion, one of the injury has been found to be dangerous to life.

6. Considering the aforesaid submission put forward



by the parties as also the fact that there is land dispute, FIR of the petitioner is earlier one, there is delay of five days in lodging of the present FIR, he is in custody 23.09.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs.15,000/- as undertaken by the learned counsel for the petitioner to be paid to the informant by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant, Binod Rai after checking credentials.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Pupri, Sitamarhi/Competent Jurisdiction, in connection with Bajpatti P.S. Case No. 239 of 2023 subject to 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 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 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 his bail bonds.

(Rajiv Roy, J)

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