

(2021) 04 PAT CK 0089

In the Patna High Court

Case No : Criminal Miscellaneous No. 33936 Of 2020

Raghav Rai @ Ragho Rai And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 13-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 341, 354, 379, 448, 504
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 PAT CK 0089

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Dr. Rajesh Kumar Singh, Rina Sinha

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Dr. Rajesh Kumar Singh, learned counsel for the petitioners and Ms. Rina Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.
3. The petitioners apprehend arrest in connection with Chapra Mufassil PS Case No. 173 of 2020 dated 21.04.2020, instituted under Sections 341/323/307/448/504/379/354/34 of the Indian Penal Code.
4. The allegation against the petitioners is that when the informant side was threshing wheat crops, the petitioner no. 1 appeared and objected, leading to altercation and the informant fled away to his house and thereafter the accused made unlawful assembly and chased him and also entered into the house and assaulted him and also took away five sacks of wheat costing Rs. 5000/-.
5. Learned counsel for the petitioners submitted that there was altercation as there was one threshing machine and both sides had wanted their wheat to be threshed first. It was submitted that the accused persons are agnates and

further that there is no injury caused as there is no injury report available. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that there was altercation between the parties. However, she did not controvert the fact that it has come during investigation that the informant's side had not gone for any medical treatment.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in Chapra Mufassil PS Case No. 173 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the aforementioned terms.