

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10450 of 2016

Arising Out of PS.Case No. -150 Year- 2013 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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1. Sachida Rai @ Sachidanand Rai @ Sachidahand Rai Son of Late Musharu Rai @ Sachitanand Rai, Resident of Village - Raghunathpur, P.S. - Sahebpur Kamal, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 11-05-2016 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel, appearing for the informant.

Petitioner seeks bail in a case registered under Sections-302, 326 & other minor sections of the Indian Penal Code and under Section-27 of the Arms Act.

Earlier prayer for bail of the petitioner was rejected by this court vide order dated 25-08-2015 passed in Cr. Misc. No. 35267 of 2015 but submission on behalf of petitioner is that having similar allegation, one co-accused namely, Babulal Rai has already been granted privilege of bail by a coordinate bench of this court, which is evident from perusal of Annexure-1 to this petition. It is further submitted that no doubt, the petitioner was

earlier convicted in a case but co-accused Babulal Rai had also been convicted along with petitioner in the aforesaid case.

Learned counsel, appearing for the informant opposed the prayer, pointing out that the fact of conviction was not brought to the notice of the court, when the concerned court was considering the bail prayer of co-accused, Babulal Rai and that was the reason, a coordinate bench of this court granted privilege of bail to him. It is further submitted that as a matter of fact, the son of informant was killed by petitioner and his associates as the son of informant was not ready to withdraw the criminal case, lodged against the petitioner and others. Moreover, the other accused of this case committed another offence, when they were granted privilege of bail, for which, Sahebpur Kamal P.S. Case No. 24 of 2016 has been registered against them.

The accusation against petitioner is that he along with co-accused, Babulal Rai caught hold of the deceased at the time of alleged occurrence and it was co-accused Birju Rai, who opened fire upon the deceased and co-accused, Babulal Rai, having similar allegation has already been granted privilege of bail by a coordinate bench of this court whereas; the petitioner is languishing in jail custody since 19-03-2015 and it appears from the present petition that case of the petitioner is still pending in the

court of learned Chief Judicial Magistrate, Begusarai though it is informed on behalf of informant that the case has already been committed to the court of sessions and charge has already been framed but even if, it assumed to be true, then also, there is no possibility of conclusion of trial of the petitioner in near future.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sahebpur Kamal P.S. Case No. 150 of 2013 to the satisfaction of learned Chief Judicial Magistrate, Begusarai subject to condition that if, the petitioner is found indulged in any murder case or attempt to murder case, the prosecution may approach before the trial court for cancellation of bail of the petitioner and if, any petition for cancellation of bail is filed, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper inquiry.

A.K.V./-

(Hemant Kumar Srivastava, J)

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