

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50699 of 2016

Arising Out of PS.Case No. -98 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Rajiv Rai, Son of Prahlad Rai, Resident of village - Khajabatti, P.S.
Bidupur, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -2, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
13.07.2016 in connection with Bidupur P.S. Case No. 98/14
registered for the offences punishable under Section 302 and other
allied Sections of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case is that while the informant in a
separate motorcycle and his deceased father and uncle in a
separate motorcycle were coming after having printed the
marriage card, nine accused persons including the petitioner
intercepted them and some of the accused on the orders of Arvind
Rai @ Gop Ji and Umesh Rai started firing resultantly father of
the informant succumbed to his injury and his uncle sustained



injury and the informant managed to escape.

It has been submitted by the learned counsel for the petitioner that though it has been alleged by the informant that all the nine accused persons resorted to firing, but informant was on the other motorcycle behind his father and his uncle Jagdish Rai was the only eye-witness and has not named the petitioner in the alleged firing as simply he was an accomplice to the accused persons. It is further submitted that petitioner has no criminal history and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, from the materials available, it does not reveal that the petitioner's liberty on bail would adversely affect his trial, hence, in the interest of justice, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 98/14, subject to the condition that one of the bailors would be close relative and



other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station/ court and that petitioner is directed to appear before the court below as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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