

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15298 of 2017

Arising Out of PS.Case No. -29 Year- 2012 Thana -MOKAMAH District- PATNA

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Hirday Rai @ Hirdaya Rai, Son of Late Geeta Rai, resident of Village-
Mekra Naya Tola, Police Station- Mokama, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun, Advocate

For the Opposite Party: Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 21-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 28.02.2013 in connection with Sessions Trial No. 404 of 2013 arising out of Mokama P.S. Case No. 29 of 2012 for the offences alleged under Sections 212, 216 and 307/34 of the Indian Penal Code and Sections 25(1-B)a, 27 and 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion. There is no recovery of any arms from the possession of house of the petitioner and admittedly, there is recovery from the house of co-accused Mishri Gope. The accusation of opening fire is also not corroborated with objective material and no injury has been caused to anyone. The petitioner has a number of criminal antecedents in which he has been granted bail in some of them including Mokama P.S. Case no. 17 of 2012 in connection with murder of the informant's brother.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named 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 Additional District Judge IV, Barh (Patna) in connection



with Sessions Trial No. 404 of 2013 arising out of Mokama P.S. Case No. 29 of 2012 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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