

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11735 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- MAHUA District- Vaishali

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Birendra Rai, aged about 64 years (Male), son of Late Budhan Rai, resident of village Mansurpur, P.S.- Sarai, district - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s. A. K. Thakur, Babita Kumari, Advocates
For the Opposite Party/s :		Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Mahua P.S. Case No. **107/18** registered for the offence punishable under Sections 302 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is to have fired upon the brother of the informant when a *Barat was going on*, as a result of which he succumbed to injuries.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has further been submitted that celebratory firing was made when the procession of *Barat* was going on and in the said procession, some firing was made which caused injury to the deceased and petitioner has nothing to do with the alleged



occurrence. Petitioner has got no criminal antecedent and is in custody since 03.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. **107/18**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for



cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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