

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20729 of 2019

Arising Out of PS. Case No.-495 Year-2016 Thana- DANAPUR District- Patna

VIVEK RAI, (Male) aged about 32 years, S/o Seth Rai R/o Mohalla-
Company Bagh, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravindra Kumar Shukla, Advocate Mr. Vivekanand Kumar, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar, Advocate.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 31.12.2016 in connection with Danapur P.S. Case No. 495 of 2016 for the offence registered under Sections 302/120B of the Indian Penal Code and Section 25(1-b)a, 26, 35 and 27 of the Arms Act.

Learned counsel for the petitioner submits that though prayer for bail of the present petitioner was earlier rejected, the petitioner has now been in custody for more than two years and the trial Court has failed to make any progress. It is further submitted that several of the accused persons in this case have since been extended the privilege of bail and the petitioner also undertakes to cooperate in the trial. It is further submitted that



though the petitioner was named in the first information report, there is admittedly, no eye witness to the occurrence and on the said ground, the main accused Chhotka Makkhnan and one Akash Kumar Keshri @ Golu have since been extended the privilege of bail on the undertaking given by them. It is further submitted that the petitioner undertakes to cooperate in any further investigation and will also be making himself available as and when required during the course of the trial. He, thus, submits that in view of the changed circumstances, the petitioner may also be extended the privilege of bail, as the deceased himself had a doubtful antecedents and was having enmity with one *Pakkia* whereas this petitioner has had no interaction whatever with either the said Pakia or even with the deceased. It is further submitted that the allegation of firing is also presumed because there is no eye witness to the occurrence and the informant was admittedly not present at the point of firing.

Considering the entire facts and circumstances of the case and that the petitioner has already been in custody for more than two years, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief



Judicial Magistrate, Danapur, Patna in connection with Danapur
P.S. Case No. 495 of 2016, subject to the following conditions:-

1. One of the bailors will be his own blood relative, preferably, his father, who is the deponent of the present bail application.

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

3. The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate 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.

(Anjana Mishra, J)

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