

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1764 of 2019

Arising Out of PS. Case No.-221 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

Birendra Rai, son of Hakim Rai, resident of Village, Dharambari Padri
(Tiwari Tola), P.S.- Baikunthpur, District, Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Md. Ashlam Ansari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 307, 379 & 34 of the Indian Penal Code and Section 27 of Arms Act.

Informant has alleged that on 19.08.2018 after closing his shop, he was going on his motorcycle along with his brother Bittu Kumar Tiwary and when they reached near the filed of Chaneshar Rawat at Safiabab, he saw that three persons including the petitioner were standing with a motorcycle and they told them to stop otherwise, they would shoot them. It has further been alleged that co-accused Pradeep Rai fired upon the brother of the informant, Bittu Kumar Tiwari as a result of which he became injured and he fell down and, thereafter, Pradeep Rai and one unknown person took away his laptop,



mobiles, ATM Cards, gold chain etc. and also snatched Rs.9,000/-.

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 there is no specific allegation of any overt act against the petitioner rather the allegation of firing upon the brother of the informant is against co-accused, Pradeep Rai. Petitioner has got no criminal antecedent and is in custody since 21.08.2018.

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 court below where the case is pending in connection with Baikunthpur P.S. Case No. 221 of 2018, 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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