

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32324 of 2019

Arising Out of PS. Case No.-236 Year-2017 Thana- GARKHA District- Saran

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Suresh Rai, Son of Yodha Rai, Resident of Village- Jhakhara, P.S.-
Marhowrah, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
05.06.2017 in a case registered for the offences punishable
under Sections 147, 148, 149, 449, 302, 307 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3 of Explosive
Substances Act.

The accusation is that on 30.05.2017 at 12.30 A.M.,
the accused persons including the petitioner came and hurled
explosive substances, resorted to fire, as a result, the informant's
parents-in-law and son died.

It is submitted by learned counsel for the petitioner



that the accusation is omnibus and general against all the FIR named accused persons including the petitioner. There is no means of identification and the informant is not the eye witness to the alleged occurrence. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused Anil Rai has been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 57277 of 2019.

Learned APP after going through the case diary submits that the petitioner and other co-accused were seen at the place of occurrence, though the accusation is omnibus and general against all the accused persons and co-accused Anil Rai has been granted bail by Co-ordinate Bench of this Court.

Considering the fact that the similarly situated co-accused has been granted bail and accusation being omnibus and general, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned Additional Sessions Judge-II, Saran at Chapra in connection with Sessions Trial No. 26 of 2018, arising out of Garkha P.S.



Case No. 236 of 2017.

The learned Court below will positively cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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