

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78495 of 2018

Arising Out of P.S. Case No.-154 Year-2016 Thana- PAROO District- Muzaffarpur

Ajay Rai S/o Ganesh Rai, resident of Village- Mahamdpur, P.S. Paroo, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was rejected twice vide order dated 01.08.2017 passed in Cr.Misc.No.27561 of 2017 and Cr.Misc.No.62714 of 2017 dated 21.02.2018. Petitioner is languishing in judicial custody since 16.01.2017 in connection with Sessions Trial No.795 of 2016 arising out of Paroo P.S.Case No.154 of 2016 for the offence alleged under Sections 147, 148, 149, 341, 323, 324, 447, 504, 506, 307 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that there was a dispute between both the parties over proceeds of season tree and on the fateful day, the petitioner along with seven other co-accused came variously armed with lathi, sword,



farsa and iron rod and started assaulting the informant's husband. It has been further alleged that on the sword blow by the petitioner on the neck of the husband of the informant, he became seriously injured and while being taken to the hospital, he succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that altogether eight persons had come and assaulted the informant's husband and it is not ascertainable whether the injury caused by the petitioner was grievous. He further submits that co-accused Ganesh Rai and Sanjay Rai have already been granted the privilege of bail in Cr.Misc.No.50194 of 2016 dated 15.12.2016 and Cr.Misc.No.12874 of 2017 dated 10.05.2017. He further undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating that the informant is an eye witness to the alleged occurrence. In this regard, earlier the bail application of the petitioner was rejected in Cr.Misc.No.62714 dated 21.02.2018 with the direction to the trial court to conclude the trial within nine months. Again a report has been called for from



the Sessions Judge, Muzaffarpur who has sent a report vide letter no.230 of 2019 dated 15.01.2019 stating therein that only four witnesses have been examined remaining eight are yet to be examined and trial is likely to be concluded within nine months. In the supplementary affidavit filed by the petitioner, it has been stated that after 21.02.2018 only one witness, i.e., witness no.4 has been examined on 13.07.2018

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No.795 of 2016 arising out of Paroo P.S.Case No.154 of 2016 to the satisfaction of learned Sessions Judge, Muzaffarpur, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.



(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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