

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70021 of 2018

Arising Out of PS. Case No.-169 Year-2017 Thana- BUDDHACOLONY District- Patna

Uday Rai Son of Dwarika rai, Resident of Uttari Mandiri Dhakan Tola, P.S.
Budha Colony, District Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr. S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioner and APP for
the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 302 and 120 (B)/ 34 of the Indian Penal
Code and Section 27 of the Arms Act, registered in
connection with Budha Colony P. S.Case No. 169 of 2017.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion due to previous enmity with the
informant and there is no objective material to connect the
petitioner with the alleged occurrence. It appears from the FIR
that the informant himself stated that the petitioner was in jail
custody at the time of occurrence in connection with Budha
Colony P.S. Case No. 56 of 2017 for the murder of the
informant's brother. The alleged date of occurrence of the



present case is said to be 20.05.2017 whereas, the petitioner was released on bail in the said case subsequently on 28.07.2017 and as such the petitioner was not present at the place of occurrence. Except the aforesaid case, the petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order let the above named petitioner be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Judge XVI-cum ACJM, Patna in connection with Budha Colony P.S. Case No. 169 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C and also subject to the following further condition:

(i) That one of the bailors shall be close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate 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.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall stand confirmed upon verification by the learned trial Court to its satisfaction that the petitioner was in jail custody on the date of occurrence in connection with Budha Colony P. S. Case No. 56 of 2017.

6. If that the petitioner was not in jail custody, as stated above, the provisional bail shall stand cancelled.

(Vikash Jain, J)

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