

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30396 of 2020**

Arising Out of PS. Case No.-374 Year-2018 Thana- TAJPUR District- Samastipur

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SANJAY RAI @ SANJAY KUMAR RAI Son of Munshi Lal Rai Resident of
Village- Darba, P.S.- Tajpur (Halia O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Zeyaul Hoda, Advocate

For the Opposite Party/s : Mr Ajay Kr Jha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 22-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Tajpur (Halai OP) Police Station (for brevity, *PS*) Case No 374 of 2018 instituted for the offence punishable under Sections 302, 307, 323, 324, 341, 379, 504/34 of Indian Penal Code.



27 accused persons, including the petitioner, have allegedly assaulted the informant's mother leading to her death. Specific allegation against the petitioner is of assaulting with sharp cutting weapon (*Farsa*). The victim, however, in the post morter report, has been found to suffer death on account of an assault by hard and blunt substance. 13 accused persons have been granted anticipatory bail. The petitioner is in custody since 24.02.2019 and he is on bail in the two other cases pending against him since before. It is further submitted that it is a case of false implication. The petitioner's bail applications were earlier rejected by this Court twice in Cr Misc No 31801 of 2019 and Cr Misc No 5301 of 2020. The last rejection is dated 31.01.2020. As per report of the Court below, there is no progress in the trial till date.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV, Samastipur in Tajpur (Halai OP) PS Case No 374 of 2018 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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