

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70638 of 2019

Arising Out of PS. Case No.-85 Year-2010 Thana- RAGHOPUR District- Vaishali

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Dahaur Rai aged about 50 years, Male, Son of Late Punit Rai Resident of
Village- Purshottampur, P.S.- Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 31-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Raghopur P.S. Case No.
85 of 2010 registered for the offence under Section 302/34 of
the I.P.C. and Section 27 of the Arms Act.

In the F.I.R.,the informant has alleged that while in
night, his elder brother was sleeping, eight persons, including
this petitioner, came and started indiscriminate firing from their
rifle on his elder brother, as a result of which, his brother died
on the spot.

It is submitted on behalf of petitioner that there is no
specific allegation against the petitioner. It is further submitted
that in paragraph 53 of the case diary, it has come that when the
police reached on the spot and tried to record *fardbeyan* of
mother of the deceased, she refused and thereafter, the
fardbeyan was got recorded by Dinkar Kumar (informant's
brother), which shows that petitioner has falsely been implicated



in this case. It is further submitted that co-accused Ajay Rai @ Panditwa has already been granted bail by this Court, vide order dated 14-08-2015 passed in Cr.Misc. No. 30759 of 2015 (Annexure – 2). In this case, chargesheet has already been submitted on 30-11-2013 and as such, there is also no chance of tampering with the evidence. Petitioner is in custody since 02-12-2018, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged 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 A.C.J.M.-XII, Hajipur (Vaishali) in connection with Raghapur P.S. Case No. 85 of 2010 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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