

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13383 of 2021

Arising Out of PS. Case No.-143 Year-2004 Thana- GHORASAHAN District- East
Champaran

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1. BINDA RAI Son of Late Sajawal Rai
 2. RAMPUKAR RAI Son of Late Sajawal Rai
 3. SAHIB RAI @ SAHEB RAI Son of Ram Vilas Rai all Resident of Village -
Dhum Nagar, P.S.- Ghorasahan, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the
offence punishable under Sections 147, 148, 149, 323, 324, 307,
504 of the Indian Penal Code. Subsequently, added Section 302
of the IPC.

Prosecution case is that all accused persons including
the petitioners came near the informant and started
indiscriminate firing. All accused persons committed mar-pit
with Kishore Rai. Thereafter, Ram Vilash Rai, Suresh Rai and
Ramesh Rai opened fire upon Ram Nath Prasad, but bullet hit to
daughter of Ram Nath Prasad.

Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners. He submits that similarly situated co-accused has been granted bail by coordinate Bench of this Court in Cr. Misc. No. 31138 of 2015 on 03.07.2015. He further submits that petitioner no. 3 has no criminal antecedent, but petitioner no. 1 has one criminal antecedent and petitioner no. 2 has two criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 18.09.2020.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted bail, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Trial No. 356 of 2013 arising out of Ghorasahan P.S. Case No. 143 of 2004, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the



petitioners.

(II) that the petitioners will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(V) that the petitioners will appear before the concerned P.S. once in a month till conclusion of trial.

(Anjani Kumar Sharan, J)

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