

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13749 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- PIPRAHI District- Sheohar

Rajesh Ray @ Rajeshwar Ray @ Rajeshwar Prasad aged about 47 years,
Gender-Male, Son of Dayali Ray @ Ram Dayal Yadav Resident of Village-
Gonhi, P.S.- Patahi, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

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

The petitioner seeks bail in Piprahi PS Case No. 176 of
2019, instituted for the offence under Sections 147,148,149,302,
307,323,324,436,504 and 506 of the Indian Penal Code.



20- 25 persons have attacked the informant's house. It is alleged that based on subsisting land dispute between the parties they have indulged in arson and also indiscriminately assaulted the informant and all his family members.

The learned counsel for the petitioner submits that the parties are on inimical terms. The petitioner happens to be son-in-law of the family and has been dragged in this case along with his wife for no reason. They have no concern with the property dispute between the agnates. It is submitted that specific allegation of assault, as per prosecution case, is against co-accused, namely, Ramdeo Rai, Vikash Rai and Awnish Rai. Against some persons general and omnibus allegation of assault has been levelled. One such co-accused, namely, Nagendra Rai @ Nagendra Ray has been allowed bail in Cr. Misc. No. 38030 of 2020. The petitioner has no criminal antecedents and though there is no specific allegation against the petitioner, he by virtue of his relationship, has been implicated and is in custody since 06.10.2020.

The learned APP representing the State has opposed the prayer for bail. It is alleged that the petitioner has come along with other accused persons and his active participation cannot be ruled out.



Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate- 1st class, Sheohar**, in connection with **Piprahi PS Case No. 176 of 2019**, 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.

(Madhuresh Prasad, J)

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