

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21850 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- DIGHWARA District- Saran

ARVIND RAI SON OF BIJENDRA RAI RESIDENT OF VILLAGE-
JANPAR, BASTI JALAL P.S. DIGHWARA DISTRICT- SARAN AT
CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-11-2021 A supplementary affidavit has been filed on the behalf of the petitioner to the extent of correction in the paragraph -17 of the main petition as well as paragraph-6 of the first supplementary affidavit wherein custody date of the petitioner has inadvertently been typed as 04.10.2020 whereas it should have been 07.11.2020.

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

The petitioner seeks bail in connection with Dighwara P.S. Case No. 132 of 2020 for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

The petitioner along with others are alleged to have taken the dead body of the deceased on Bolero Vehicle



for its cremation.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, there is general and omnibus allegation against the petitioner and no specific allegation is attributed to him. As a matter of fact, there was some scuffle took place between the informant and the petitioner with regard to cutting of wheat crops and on account of the same, he has falsely been implicated in this case. Moreover, the co-accused, namely, Jai Ram Rai, having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.08.2021 passed in Cr. Misc. No. 19984 of 2021. The petitioner is rotting in judicial custody since 07.11.2020.

Learned counsel for the informant and learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with



Dighwara P.S. Case No. 132 of 2020 subject to the following conditions:

(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

(Rajesh Kumar Verma, J)

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