

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23786 of 2021**

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHINDWARA District- Sitamarhi

UMESH RAI Son of Late Magal Rai @ Raj Mangal Rai Resident of Village -
Bakarpur @ Bakharpur, P.S.- Mahindwara, District - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mahindwara P.S. Case No. 98 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code.

As per the prosecution story, on 19.07.2019 at about 7 P.M., one Pramod Sahni had laid a water pipe across the Government Kharanja road by removing the bricks. The informant and his brother Rajaram Rai (deceased) went there. Co-accused Shiv Bachchan Rai and Dinesh Rai also went there and they scolded Pramod Sahni for removing bricks from the road. They caught hold of the informant's

brother and assaulted him. On protest, somehow his brother escaped from there and came to his Darwaja. It is also alleged that the F.I.R. named accused including the petitioner came variously armed with Farsa, Lathi, Danda, Bamboo and co-accused Shiv Bachchan Rai assaulted with Farsa on the head of informant's brother Raja Ram Rai and other accused assaulted with Lathi, rod and bamboo. When his cousin nephew Bhikhari Rai came to rescue Raja Ram Rai, he was also assaulted by Shiv Bachchan Rai with Farsa blow on his head. Raja Ram Rai was admitted in S.K.M.C., Muzaffarpur where he succumbed to his injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that similarly situated co-accused have already been granted bail by learned Co-ordinate Benches of this Court. The petitioner has remained in jail since 12.01.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner has submitted that there are general and omnibus kind of allegations against the petitioner, the main allegation was against co-accused Shiv Bachchan Rai who had allegedly assaulted by Farsa on the head of the deceased but on finding that the post mortem report showed only two anti-mortem

injuries and those were caused by hard and blunt substance, Shiv Bachchan Rai has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 86635 of 2019. Similarly some of the co-accused have been granted bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 16774 of 2020 and Cri. Misc. No. 133 of 2020, the petitioner has remained in jail since 12.01.2021 and has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Mahindwara P.S. Case No. 98 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.