

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29361 of 2021

Arising Out of PS. Case No.-367 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

JAIPRAKASH KUMAR @ J. P. RAI S/o- Raghunath Rai Resident of
Village- Panapur Gaurahi, P.S.- Sadar, Hujipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shri Nandan Prasad Singh, Sr.Adv.
		Ms. Prakritita Sharma, Adv.
For the Opposite Party/s :		Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No.367 of 2019 registered for the offences punishable under Sections 147, 148, 149, 326, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 17.08.2020. The petitioner has got one criminal antecedent in which he is on bail.

Learned senior counsel for the petitioner submits that on perusal of the FIR it would appear that the alleged quarrel



has taken place on the issue of playing cricket in the field and it is alleged that the petitioner's side were forcibly asking the prosecution side to leave the field whereupon a protest was made on behalf of the prosecution side in which the alleged occurrence took place.

It is the specific submission of learned senior counsel that so far as this petitioner is concerned, there is no allegation at all of causing any assault either on the injured or the deceased. The specific allegation is against co-accused Jitendra who had allegedly assaulted the informant and then co-accused Sanjeev Singh had fired which hit the cousin brother of the informant on his chest due to which he died.

Learned senior counsel submits that it is a case of false implication of the accused. The co-accused Arun Kumar Paswan and others have been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.32875 of 2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but on the face of the specific allegation of overt act against the co-accused and not against this petitioner and further finding that the petitioner has remained in custody for over one year, investigation against him is complete but the trial is not likely to take place in near future,



this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.367 of 2019, subject to the condition 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.

(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'.

