

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33173 of 2021

Arising Out of PS. Case No.-226 Year-2020 Thana- KADWA District- Katihar

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1. SANJAY RAI Son of Suran Rai Resident of Village - Badwabari, P.S.- Kadwa, District - Katihar.
 2. Sambhu Rai @ Samta Rai Son of Suran Rai Resident of Village - Badwabari, P.S.- Kadwa, District - Katihar.
 3. Dhiren Rai Son of Ramesh Rai Resident of Village - Badwabari, P.S.- Kadwa, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioners seek bail in connection with Kadwa P.S. Case No. 226 of 2020 registered for the offence under Sections 341, 323, 504, 506, 302 and 34 of the Indian Penal Code.

The F.I.R. named accused persons , who are ten in numbers, are alleged to have committed murder of father of



the informant.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, these petitioners have been made accused in this case in the garb of a land dispute between the parties with general and omnibus allegation and no specific act of assault is attributed to them rather the specific allegation of giving Gehrail (sharp cutting weapon) blow on the chest of father of the informant is attributed to the co-accused, Raja Rai @ Chikua. Moreover, the co-accused, namely, Suresh Rai, having more or less similar allegation, has been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2021 passed in Cr. Misc. No. 26823 of 2021. The petitioners are rotting in judicial custody since 14.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Katihar in



connection with Kadwa P.S. Case No. 226 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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