

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39266 of 2020

Arising Out of PS. Case No.-347 Year-2019 Thana- SAHPUR District- Patna

HARENDRA RAI S/o Shivpujan Rai R/o Makusudpur, P.S.- Shahpur,
District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-03-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Shahpur PS Case No. 347 of 2019 registered under Sections 147, 448, 323, 302 and 380 of the IPC.

Over a trivial dispute it is alleged that the accused persons including the petitioner, entered into the house of the informant and assaulted mother of the informant by various means including stick and by fists and slaps. Co-accused Shiv Pujan Rai is alleged to have tossed informant's mother on the floor, whereafter other family members including the petitioner have assaulted, due to which she became unconscious, and subsequently died during treatment.

Learned Counsel for the petitioner submits that the allegations against the petitioner are general and omnibus. Specific allegation is only against Shiv Pujan Rai. Female co-accused persons also having similar general and omnibus allegations have been



allowed anticipatory bail in Cr. Misc. No. 13114 of 2020. The petitioner is in custody since 1.2.2020 and it is stated that he has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM I, Danapur, Patna in Shahpur PS Case No. 347 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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