

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58763 of 2021

Arising Out of PS. Case No.-418 Year-2016 Thana- PATORI District- Samastipur

BINOD RAI S/o Shri Baijnath Rai R/o village- Hardaspur, P.S.- Patori
Mohanpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vaibhava Veer Shanker, Adv.
For the State	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 06-10-2021 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 147, 148, 324 and 302 of IPC and Section 27 of Arms Act.

Earlier prayer for bail of the petitioner has been thrice rejected by this Court and lastly vide Cr. Misc. No.2143 of 2021 with liberty to petitioner to renew his prayer for bail, if trial is not concluded within six months.

Informant is the widow of deceased, who has alleged in the FIR that while she was going to PDS dealer, she saw that a mob had assembled on account of land dispute between two parties in which her husband was also present and he tried to bring an amicable settlement between the warring parties and it is further alleged that at



the instance of one of the groups, petitioner fired upon husband of deceased and he died on the spot.

However, in her deposition before the trial court, which has been enclosed as Annexure 3, she denied to have seen the occurrence and stated that when she reached the place of occurrence, her husband was lying dead and she is not aware as to who killed him. She is not literate and had given her LTI on a paper. PW 2, Siphai Rai, has also stated that on account of land dispute, there was firing and cross-firing between two groups and when he reached the place of occurrence, husband of informant was lying dead. Petitioner has one criminal antecedent, as disclosed in paragraph no.3 of the petition. Petitioner is in custody since 27.07.2018.

Considering the aforesaid facts and circumstances of the case **and period of incarceration**, let the petitioner named above be released on bail upon furnishing bail bonds of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Patori P.S. Case No.418 of 2016 (Sessions Trial No.618 of 2018 / 345



of 2018), with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(S. Kumar, J)

Prakash Narayan /-

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