

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13738 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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Ram Ishwar Rai @ Rameshwar Rai, Son of Amlesh Rai, Resident of Village -
Sherpur, Police Station - Vidhyapati Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 13-09-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Vidhyapati Nagar P.S. Case No.120 of 2020 registered for the
offence punishable under Sections 147, 148, 149, 307, 323, 341,
354(B), 504, 506 of the Indian Penal Code.

The petitioner has allegedly given an iron rod blow



on the informant's head. Some past enmity, as per the petitioner's counsel, has led to the alleged occurrence. There is a case and counter-case. Counter version (Annexure 3) is Vidhyapati Nagar P.S. Case No.115 of 2020.

Counsel for the petitioner submits that even as per the injury report, there is a single injury. The petitioner had no intention to kill the informant as there is no repetition of blow. Having no criminal antecedents, petitioner has remained in custody for more than one year i.e., since 06.09.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Samastipur, District-Samastipur, in connection with Vidhyapati Nagar P.S. Case No.120 of 2020, 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.

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

(Madhuresh Prasad, J)

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