

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3575 of 2021**

Arising Out of PS. Case No.-383 Year-2019 Thana- GAURICHAK District- Patna

PAPPU RAI S/o Late Balo Rai R/o village- Kamarjee Gaurichak, P.S.-
Gaurichak, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Udbhav, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 16-07-2021 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 counsel for the petitioner and learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with Gaurichak P.S. Case No. 383 of 2019 registered for the offences under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected by the learned predecessor Bench on 28.02.2020 in Cr. Misc. No. 7263 of 2020 after taking note of the allegations that four fire arm injuries have been found on the person of the



deceased and the petitioner was in custody since 17.10.2019.

Learned counsel for the petitioner has drawn the attention of this Court towards the order dated 25.11.2020 passed by this Court in the case of co-accused in Cr. Misc. No. 11366 of 2020. The operative part of the order has been pointed out in which this Court has taken note of the fact that in the First Information Report the allegations are against eight accused persons that they had surrounded the father of the informant and in presence of the informant his father was shot dead and the miscreants fled away but the informant did not disclose specifically the name of the accused whom he had seen firing on his father. In his further submission also he had not specifically named the petitioner. Learned counsel submits that the case of the present petitioner is identically situated with the co-accused who has been granted bail and from the trial court's report it may be found that in this case charge has not been framed as yet, therefore, if not released on bail the petitioner is likely to suffer incarceration for indefinite period whereas the accused similarly situated have been enlarged on bail.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, however, considering the facts and circumstances of the case and taking note of the aforesaid



submissions of learned counsel for the petitioner that neither in the F.I.R. nor in his further statement the informant has specifically named the person who had fired upon the father of the informant, the case of the petitioner being similarly situated with the co-accused Arun Rai who has been granted bail by this Court in Cr. Misc. No. 11366 of 2020 and Akhilesh Ray who has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 8044 of 2020, the petitioner has otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City in connection with Gaurichak P.S. Case No. 383 of 2019 bearing G.R. No. 4802 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(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'.

