

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5618 of 2021**

Arising Out of PS. Case No.-245 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

PINTU KUMAR Son of Sakaldeo Rai Resident of Village- Vishanpur
Baladhari, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 16-04-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Hajipur Sadar P.S. Case No. 245 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was being assaulted by the co-accused Ashok Rai and Modi Kumar, the informant raised alarm then his family members namely Suresh Rai, Rewati Raman and Pappu Rai came to save him then co-accused namely Ashok Rai and Mukesh Rai caused injury by iron rod



and Manish Kumar with Anil Kumar stabbed Suresh Rai. Thereafter, the injured were brought to hospital from where Suresh Rai was referred to PMCH.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the FIR and there is no specific allegation of causing any assault against the petitioner. The petitioner is in jail since 17.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that in the fardbeyan of Vijay Rai giving rise to the present case, this petitioner is not named and the specific allegations of giving sword blow and iron rod blow are against the co-accused, this petitioner has not been shown present there, in the statement of the injured (deceased) Suresh Rai recorded on 15.04.2020 in the P.M.C.H. also this petitioner is not named as assailant or as a person present on the place of occurrence, later on after death of Suresh Rai, his son is said to have taken the name of the petitioner as a person present on the spot, however, there is no specific



allegation of causing any assault, and the materials placed before this Court showing that the name of the petitioner has been brought at the belated stage, the petitioner has otherwise no criminal antecedent and he has remained in jail since 17.10.2020, investigation against him is complete and his further incarceration is not likely to come in aid of the investigation or prosecution, there is no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 245 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly



make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

