

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4862 of 2022

Arising Out of PS. Case No.-172 Year-2018 Thana- KHAIRA District- Saran

=====

BADAN RAI Son of Late Suraj Rai Resident of Village - Maksudpur (Balua Par), P.s.- Khaira, Dist.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Rajendra Singh, the learned APP appearing for the State.

Though, the present petition has been filed on behalf of the petitioner, by way of fourth attempt, for grant of bail in connection with Khaira PS case no. 172 of 2018, registered under Section 302/34 IPC and Sections 27 of Arms Act, but at the outset, the learned counsel for the petitioner, realizing the fact that there is no merit in the present petition inasmuch as the petitioner is the main assailant and his prayer for grant of bail has already been rejected thrice by the Hon'ble High Court,



seeks to withdraw the present petition, however has pressed the alternative prayer made by the petitioner in paragraph no. 16 of the present petition to the effect that the petitioner be granted provisional bail at least for 05 days in order to perform the marriage rituals pertaining to his daughter, which is going to be held on 09th February, 2022 as also to attend the connected ceremonies, thereafter.

Having regard to the submissions made by the learned Counsel for the petitioner and considering the facts and circumstances of the case, the present petition stands dismissed as not pressed, however it is directed that the petitioner be released on provisional bail for a period of 05 days under police custody, starting from 11 am in the morning of 09th February, 2022 and ending at 11 am of 15th February, 2022. The petitioner shall be granted provisional bail on such conditions, as may be deemed fit and proper to be imposed by the learned court of Additional Sessions Judge-Vth, Saran at Chapra in connection with Khaira PS case no. 172 of 2018.

It is further directed that the Senior Superintendent of Police, Patna and the Senior Superintendent of Police, Saran at Chapra shall ensure proper police custody of the petitioner while the petitioner is on provisional bail i.e starting from the



day and time the petitioner is released from Jail and shall also ensure that the petitioner surrenders before the learned court below on or before 11:00 am of 15th February, 2022 and is sent to Jail.

Let a copy of this order be transmitted today itself, to the learned court of Additional Sessions Judge- Vth, Saran at Chapra for execution of the present order as also to the Office of the learned Senior Superintendent of Police, Patna and the Senior Superintendent of Police, Saran at Chapra for compliance.

(Mohit Kumar Shah, J)

rinkee/-

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

