

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7880 of 2022

Arising Out of PS. Case No.-282 Year-2020 Thana- MAHUA District- Vaishali

PAWAN KUMAR Son of Binod Rai Resident of Village - Milki, Police
Station - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Sr. Advocate.
	:	Mr. Ranjit Kumar Thakur, Advocate
For the Informant	:	Mr. Ravish Mishra, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code.

According to prosecution case, on 16.05.2020 informant and his wife Maheshwari Devi were going to the old house from his house, as soon as informant and his wife reached near the house of Vinod Rai, the named accused persons alongwith five unknown were ambushed there and lashed with



weapons with intention to kill them. To surround them accused person started assaulting by means of lathi danda, resulting head of the informant's wife was cut and she was covered with blood and informant tried to save her but he was also beaten by them. After raising hull neighbor reached there and they all fled away. On 19.05.2020 during course of treatment the wife of the informant died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that firstly, statement of the informant was taken on 17.05.2020 and secondly on 19.05.2020 and it appears from the fardbeyan of the informant that the version has been changed from 17.05.2020 to 19.05.2020. He further submits that it appears from the fardbeyan dated 17.05.2020 that there is general and omnibus allegation against all the accused persons including the petitioner and it appears from the fardbeyan dated 19.05.2020 that the informant has specifically stated that the petitioner has assaulted the victim and the present FIR has been instituted on 27.05.2020 after ten days of first statement. He further submits that similarly situated, co-accused, namely, Vindeshwar Rai has been granted bail by a co-ordinate Bench of



this Court vide order dated 10.03.2021 passed in Cr.Misc. No. 34905 of 2020, co-accused namely, Rajesh Kumar has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.12.2021 passed in Cr. Misc. No. 46749 of 2021 and other co-accused namely, Virchandra Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2022 passed in Cr. Misc. No. 47340 of 2021 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.12.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that during investigation it has come that the petitioner has assaulted the victim. Further submits that in para-59 and 74 of the case diary, independent witnesses, namely, Pravin Kumar and Birendra Rai supported the case of the prosecution.

Considering the aforesaid facts, 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 Court below where the case is pending in connection with Mahua P.S.Case No. 282 of 2020, with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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