

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13783 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- KHAGARIA District- Khagaria

ARBIND RAI, S/o Krishna Rai R/o village at Naya Tola, Rahimpur, P.S.-
Muffassil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Ms. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Khagaria (Muffasil) P.S. Case No. 489 of 2021, G.R. No

1975 of 2021, registered for the offences punishable under

Sections 147, 148, 149, 341, 323, 307, 325, 429, 379,

504, 506 and 337 of the IPC.

As per allegation, when the informant was milking

his cow, the petitioner and his associates came there and

assaulted him with butt of the rifle and *khanti* etc. One

Anurag Rai fired bullet on the informant, which did not hit

him. They also abused and threatened the informant to kill



him.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the case has been lodged for attempt to murder, but there is no specific allegation against the petitioner. The allegation made against the petitioner general and omnibus in nature. He further informs that the charge-sheet has already been submitted against the petitioner. He also points out that similarly situated two co-accused persons, namely Umakant Roy and Dablu Ray have already been granted bail by a Bench of this Court vide order dated 17.01.2022, passed in Cr. Misc. No. 47624 of 2021.

The petitioner is in custody since 18.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has



opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 489 of 2021, G.R. No 1975 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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