

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18999 of 2022

Arising Out of PS. Case No.-395 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

RAKESH RAY @ RAKESH KUMAR S/o Binod Ray R/o Village -
Samachak @ Shamachak, P.s.- Hajipur Sadar, District - Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for

the offence punishable under Section 302/34 of the Indian Penal

Code.

The substance of the allegation is that informant's

brother who ran tempo was in love affairs with daughter of co-

accused Binod Rai and due to the said relation said co-accused

threatened the informant and thereafter on the fateful day of

alleged occurrence at 11.30 p.m. , he heard the sound of firing

and thereafter, he went to the place of occurrence and saw that

his brother was lying in pool of blood, his neck was silted and



blood was oozing out and he saw the petitioner and co-accused persons standing at the door of the informant's house equipped with lathi danta and after some time, informant's brother died.

The main submissions advanced by the learned counsel for the petitioner are that co-accused Shila Devi, Subodh Rai and Mahesh Rai carrying similar allegation have been considered for regular bail by a coordinate bench of this court vide orders passed in Cr. Misc. no. 2149 of 2021 and Cr. Misc. no. 4102 of 2021 and while granting privilege of bail coordinate bench considered the fact that the Investigating Officer did not find any blood mark at the alleged place of occurrence and no bloodstained soil was found at the said place and cause of death of brother of the informant was an injury said to have been caused by sharp cutting weapon but police had not recovered such weapon from the house of the petitioner.

Learned APP has opposed the prayer for bail.

Heard both sides and perused the FIR. Petitioner has been languishing in jail since 13.9.2021 and charge sheet has been submitted against him as mentioned in his petition and petitioner has no criminal antecedent and some of the co-accused persons having clean antecedent have been considered for regular bail vide orders passed in the above mentioned



miscellaneous cases accordingly, petitioner deserves privilege of bail. Let the petitioner 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 the Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar P.S Case No. 395 of 2020.

(Shailendra Singh, J)

Later on Before signing the order, the court finds that at para 3 petitioner has given completely vague statement with regard to his criminal antecedent. Although for the purpose of bail, petitioner has based his ground that similarly situated co-accused persons having clean antecedent have been granted regular bail but while considering bail of co-accused persons some conditions were imposed by the coordinate bench of this court in which one condition reads as follows:-

“court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners”.

Hence, it is proper that the case should be listed under the heading “To Be Mentioned” for verifying the vague statement made in para 3 of the petition.

Let the case be listed under the heading “To Be



Mentioned” on 03.08.2022.

(Shailendra Singh, J)

s.hassan/-

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

