

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18908 of 2022

Arising Out of PS. Case No.-257 Year-2020 Thana- KUDHNI District- Muzaffarpur

PAPPU RAI Son of Rajendra Rai Resident of village - Dhodhi Ratan, P.S.-
Kudhni Ratan, District - Muzaffarpur, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2022 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 and learned APP for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, informant Ganesh Rai has alleged in his written statement that his father Harendra Rai and cousin Prem Rai was going to his newly constructed house and in the meantime petitioner along with other co-accused persons having armed with sharp edged sword attacked and petitioner caused injury on the back side of head of informant's father by sword. Other accused persons also assaulted father of



the informant by different hard and blunt substance. The father of the informant was admitted to the hospital where doctor declared him dead.

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 there is general and omnibus allegation of assault against the petitioner. Further submits that the specific allegation of assault is against co-accused persons namely Gonaur Rai and Satan Rai. He further submits that several co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexures-3 series of the bail petition. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is rotting in judicial custody since 16.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Kurhani (Kudhani,



Kudni) (Fakuli O.P.) P.S. Case No. 257 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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