

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31257 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- CHHAURADANO District- East
Champaran

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Shamsher Rai S/o Late Saryug Rai Resident of Village - Kathariya, P.S. -
Chhauradano, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-02-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Chhauradano
P.S. Case No. 274 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 325, 354(B), 307, 302,
447, 504, 506 of the Indian Penal Code.

The husband of the informant is said to have been
assaulted by the F.I.R. named accused persons resultantly he
sustained injury and died.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there was no intention to kill the son of the informant. In fact an scuffle took place between the parties in which the informant sustained injury as a result of which he died. He further submits that there is admitted land dispute between the parties. It is further submitted that charge sheet has been submitted against the petitioner in this case. The petitioner is in custody since 17.10.2020.

The learned counsel for the Informant and learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries four criminal antecedents and there is direct allegation of the assault against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charges so that the trial may not hamper**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Raxaul Motihari, East Champaran in connection with Chhauradano P.S. Case No. 274 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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