

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20444 of 2022

Arising Out of PS. Case No.-143 Year-2004 Thana- GHORASAHAN District- East
Champaran

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1. BANDHU RAI S/o Rajendra Rai R/o village- Dhumnagar, P.S.-
Ghorasahan, District- East Champaran at Motihari
 2. JAWAHAR RAI S/o Late Nathuni Rai R/o village- Dhumnagar, P.S.-
Ghorasahan, District- East Champaran at Motihari
 3. RAMAWADH RAI @ RAM AWADH RAI @ RAMAWADH RAY S/o Late
Sajawal Rai R/o village- Dhumnagar, P.S.- Ghorasahan, District- East
Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-04-2022 Heard learned counsel for the parties.

The petitioners have renewed their prayer for grant of regular bail in a case registered under sections 307 and other sections of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the thirteen named accused persons including the three petitioners herein came variously armed and it is further stated that indiscriminate firing by Rambilash Rai, Suresh Rai and Ramesh Rai resulted in Priyanka Kumari sustaining gun shot injury.



It is submitted by learned counsel for the petitioners that the earlier prayer for bail of the petitioners was rejected vide orders dated 13.7.2021 (Annexure-2) directing the learned trial court to expedite the trial. The examination of prosecution witnesses is still continuing and inspite of the petitioners having remained in custody since 9.11.2020 there is no chance of the trial concluding in the near future. It is further submitted that there is no direct allegation against the petitioners. The allegations are general and omnibus in nature.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the general and omnibus allegations against the petitioners who are in custody since 9.11.2020, the three petitioners are directed to be enlarged on bail in connection with Sessions Trial no. 911 of 2006 (arising out of Ghorasahan P.S. Case no. 143 of 2004) on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge XVI, East Champaran at Motihari.

It is informed by learned counsel for the petitioners that the trial in the case has proceeded, however, as per the



instructions received three prosecution witnesses still to be remain examined.

It is directed that the three petitioners herein shall remain physically present in court on each date of the trial and shall cooperate in the trial. In case of the petitioners absence on any date for reasons not to the satisfaction to the learned trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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