

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21089 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Shivji Ray @ Shiv Ji Ray Son of Late Harihar Ray R/o vill.- Pipra (Naya Tola), P.S.- Baikunthpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party/s : Mr. Murli Dhar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shubhesh Pandey, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Baikunthpur P. S. Case No. 158 of 2021 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that all the F.I.R. named accused persons including this petitioner assaulted the brother of the informant with *lathi* and *danda* as a result of



which he fell down. It is further alleged that the co-accused Bachcha Rai gave a *bhala* blow on the head of the brother of the informant due to which he succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the F.I.R. named accused persons except co-accused Bachcha Rai and it is further alleged that the other co-accused persons, named in the F.I.R., have been granted bail by learned co-ordinate Bench of this Hon'ble Court. The copies of which have been brought on record by way of annexure 2 to this application. It is lastly submitted that this petitioner is in custody since 12.02.2022, moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of the common intention caused death of the brother of the informant.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that the other co-accused persons having identical allegation have been granted



bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj in connection with Baikunthpur P. S. Case No. 158 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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