

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37344 of 2021**

Arising Out of PS. Case No.-47 Year-2019 Thana- CHHAURADANO District- East
Champaran

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AJAY RAI S/O DHUPLAL RAI R/O VILLAGE-VISUNPURWA, POLICE
STATION-DARPA, DISTRICT-EAST CHAMPARAN AT MOTIHARI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 02-03-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chauradano P.S. Case No. 47 of 2019 registered for the offence
under Sections 147, 148, 149 and 302 of the Indian Penal Code.

The prosecution case, as alleged in the First
Information Report is that son of the informant was assaulted
by the petitioner along with others with *lathi, danda, iron rod*,
as a result of which he died.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. It is
further submitted that it appears from the First Information
Report that there is general and omnibus allegation against the



petitioner. There is no specific allegation of assault against the petitioner. It is further submitted that petitioner is relative of co-accused Devendra Rai. It is further submitted that co-accused persons, namely, Raj Kumari Devi @ Ram Kumari Devi and Kaushalya Devi have been granted bail by a Co-ordinate Bench of this Court vide order dated 24.04.2019 passed in Cr. Misc. No. 26563 of 2019 and co-accused, namely, Manager Rai has also been granted bail by a co-ordinate Bench of this Court vide order dated 26.05.2021 passed in Cr. Misc. No. 3383 of 2021. it is further submitted that police after investigation submitted charge sheet against the petitioner. It is further submitted that the petitioner is in custody since 02.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Sub-Divisional Judicial Magistrate, Raxual at Motihari in connection with Chauradano P.S. Case No. 47 of 2019. 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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