

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38040 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- DARIYAPUR District- Saran

Banaras Rai S/O Late Ramjivan Rai @ Ramjiwan Rai Resident of Village
Rampur Jaiti, P.S. and P.O.- Dariyapur, District - Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate,

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-01-2022 Heard learned counsel for the petitioner and Shri Bhanu
Pratap Singh, learned A.P.P. for the State through virtual court
proceedings.

The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 07 of 2020 instituted for the offences under Sections
302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.01.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
allegation is of assault by this petitioner and Nunu Rai by knife on
the neck of informant's brother on orders of Daroga Rai.

Learned counsel for the petitioner submits that earlier
by order dated 17.02.2021 in Cr. Misc. No. 33016 of 2020, the bail
application of this petitioner was rejected. Learned counsel
submits that by this application the petitioner has renewed his



prayer for bail on the ground that he has remained in custody for nearly two years and the bail application of co-accused Nunu Rai was rejected on the ground that he had assaulted the deceased with the knife after taking out the knife from the back. Since the petitioner is in custody since 27.01.2020, as such a report was called for with regard to the stage of trial by order dated 13.12.2021. The report of the court below has been received vide Letter No. 179 dated 21.12.2021 and from perusal of the same it appears that the case is pending for framing of charge.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 27.01.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Chapra at Saran/concerned court in connection with Dariyapur P.S. Case No. 07 of 2020. The petitioner shall be released after framing of charges.

(Satyavrat Verma, J)

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