

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40201 of 2021

Arising Out of PS. Case No.-216 Year-2017 Thana- BAKHTIYARPUR District- Patna

PINTU KUMAR @ PINTU RAI Son of Sri Umraon Rai @ Amarnath Prasad
Resident of Village- Chiraiya, P.S.- Bakhteyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Bakhteyarpur P.S. Case No. 216 of 2017 registered for the offences punishable under Sections 147, 148, 149, 452, 302 of the IPC and 27 of the Arms Act.

The gist of the prosecution case is that informant's son wanted to construct a toilet which was objected by co-accused Akhilesh Rai. After that the informant's son started the work of digging earth upon that on the order of Manjay Rai, petitioner caught hold the informant's son and co-accused Akhilesh Rai



shot him with pistol on his head. The informant's son having sustained injury fell down there and died at the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per FIR, no allegation of assault has been levelled against the petitioner. Specific allegation of firing is against co-accused Akhilesh Rai and Dukhan Rai. He further submits that there is general and omnibus allegation against the petitioner and the police after investigation submitted the charge sheet against the petitioner and other accused person. Petitioner is in custody since 25.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 216 of 2017, 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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