

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30172 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- SAHPUR District- Bhojpur

1. SHIVJI RAI S/o Late Kashinath Rai.
2. Sonu Rai @ Amit Rai S/o Shivji Rai
Both are Resident of Village-Bahoranpur, P.S.-Shahpur (Bahoranpur O.P.),
Distt.-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 147, 148, 149, 323, 504, 506, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the co-accused Shiv Puijan Rai @ Sheo Pujan Ray is to cause assault, with fire arms alongwith other co-accused, to the informant with intention to cause death.



Specific allegation of firing is against co-accused, namely, Abhishek Kumar.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that co-accused, namely, Abhishek @ Buda Rai has fired upon the informant and it appears from the FIR itself that the petitioners have no role at all in the present occurrence. He further submits that co-accused, namely, Shiv Puijan Rai @ Sheo Pujan Ray has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 06.07.2022 passed in Cr. Misc. No.27382 of 2022 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 20.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection



with Shahpur (Bahoranpur O.P.) P.S. Case No.104 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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