

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40585 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- BAKHTIYARPUR District- Patna

Rajesh Rai, Son of Munna Rai, Resident of village - Naya Tola, Dedaor, P.S.
Bakhtiyarpur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 57 of 2020 registered for the alleged offences under Sections 147, 148, 149, 379, 302 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused persons assaulted the wife and son of the informant with *lathi*, *danda* and rod causing injury to his wife and death of his son.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. There is no specific allegation against the petitioner. The specific allegation of assault is only against co-accused Manjay Rai, who has been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2021 passed in Cr. Misc. No. 24737 of 2021. The other co-accused persons have also been granted bail in Cr. Misc. Nos. 15125 of 2021, 38134 of 2021, 39336 of 2020. The charge-sheet has been submitted in this case and the petitioner is in custody since 30.01.2021.

Learned APP vehemently opposes the prayer for bail of the petitioner submitting that the petitioner and other co-accused persons assaulted the wife and son of the informant and the son of the informant died as a result of this assault.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact similarly placed co-accused persons have been granted bail by different co-ordinate Benches of this Court and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh in connection with Bakhtiyarpur P.S. Case No. 57 of 2020, subject



to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

