

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31104 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- SAHPUR District- Patna

1. BABAN RAI
2. LALAN RAI
Both are S/o Sri Rajeshwar Rai Resident of Village- Sikandarpur (Nitish Ke Aahar), P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 31-08-2022 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 the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 147,148,323,307,326 of the Indian Penal Code and under Section 27 of the Arms Act later on Section 302 IPC was added .

The allegation in the FIR is that on 29.03.2021, petitioner came to the house of the informant and told his aunt that her daughter has been seen with some other person. This



narration led to scuffle between the two parties and it is alleged that the accused persons resorted to firing in which while the informant got firearm injuries, one Sujeet succumbed to the said injuries in course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that there is no specific allegation against the petitioners and the allegation against the petitioners is vague, omnibus and general in nature. Further submits that it has come during investigation that co-accused Binod Rai fired upon the deceased, namely, Sujit Kumar and co-accused Pappu Rai who shot fire upon the informant. Further submits that the informant and petitioners are Pattidar and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 02.09.2021.

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 the



learned court below where the case is pending in connection with Shahpur P.S. Case No.122 of 2021, 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 bonds 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 antecedents, 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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