

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43371 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

AJIT KUMAR RAI SON OF RAM LAKHAN RAI Resident of Village -
Simri, P.S.- Vidhyapatinagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 22-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Vidyapatinagar P.S. Case No. 44 of 2021 registered for the
offences punishable under Sections 147, 148, 149, 302, 307,
323, 341, 504 of the Indian Penal Code.

As per prosecution case, the informant alongwith
his father were seating at the door of one Ram Naresh Rai. It is
alleged that the petitioner and others came there keeping deadly
weapon in their hands and they started abusing. It is further
alleged that when same was protested co-accused Ram Lakan
Rai gave order to kill him and co-accused Mukesh Rai assaulted



his father with iron rod on his head indiscriminately, as a result of which informant's father fell down after sustaining injury. It is further alleged that petitioner and others also alleged to have assaulted the victim by lathi and danda causing death in course of way to PMCH.

Learned counsel for the petitioner submits that petitioner is in custody since 09.06.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that allegation of assault against the petitioner is general and omnibus in nature. Allegation of assaulting is against the co-accused Mukesh Rai and no specific act has been attributed against the present petitioner. Co-accused Balram Rai has already been granted bail vide Cr. Misc No. 6026 of 2022 on the similar accusation and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State as well as learned counsel for the informant opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, **keeping in view clean antecedent of petitioner**, charge sheet has been submitted



in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 3rd, Dalsingsarai, District Samastipur in connection with Vidyapatnagar P.S. Case No. 44 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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