

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45284 of 2021**

Arising Out of PS. Case No.-6 Year-2019 Thana- MAHINDWARA District- Sitamarhi

RAKESH RAI Son of - Jata Shankar Prasad Resident of Village- Batrauli,  
P.O.- Mahindwara, Ward No. -1, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Adv

For the Opposite Party/s : Ms.Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      24-03-2022                      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 petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302,34,120(B),216 of the Indian Penal Code and 27 of Arms Act.

As per allegation in the FIR, information was received by the informant that five accused persons on two motorcycle had shot and killed one Vinod Rai.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that the



petitioner and co-accused have been implicated on the basis of one chit of paper was recovered from the pocket of the deceased in which the name of petitioner and other co-accused persons were mentioned. He further submits that during investigation nothing has come against the petitioner and nothing incriminating article has been recovered from possession of the petitioner. He further submits that co-accused, namely, Saroj Rai has been granted bail vide order dated 21.03.2022 in Cr. Misc. No. 40572 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 04.07.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eleven more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Mahindwara Police Station Case No.06 of 2019, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)**

Nitesh/-

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