

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49313 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- MAHUA District- Vaishali

Harendra Rai S/o Bishundeo Rai Resident of Village- Mansurpur Milki, P.S.-
Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 302 of the Indian Penal Code.

According to prosecution case, on 16.05.2020
informant and his wife Maheshwari Devi were going to the old
house from his house, as soon as informant and his wife reached
near the house of Vinod Rai, the named accused persons along
with five unknown were ambushed there and lashed with
weapons with intention to kill them. To surround them accused



person started assaulting by means of lathi danda, resulting head of the informant's wife was cut and she was covered with blood and informant tried to save her but he was also beaten by them. After raising hull neighbor reached there and they all fled away. On 9.05.2020 during course of treatment the wife of the informant died.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner. He further submits that though the allegation of firing is against the petitioner but the postmortem report does not corroborate the allegation as alleged in the F.I.R. and no fire arm injury was found upon the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Vindeshwar Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2021 passed in Cr. Misc. No. 34905 of 2020, co-accused namely, Rajesh Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.12.2021 passed in Cr. Misc. No. 46749 of 2021 and other co-accused namely, Virchandra Rai has been granted



bail by a co-ordinate Bench of this Court vide order dated 28.02.2022 passed in Cr. Misc. No. 47340 of 2021. The petitioner is in custody since 31.05.2021.

The learned counsel for the Informant as well as learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of overt act against the petitioner and petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Mahua P.S. Case No. 282 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

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