

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49130 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champanan

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Surshanti Devi Wife of Raju Rai Resident of Village - Yadav Tola,
Kadamkuan, P.S. - Ghorasahan, District - East Chamapran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and 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, 302, 120(B)
of the Indian Penal Code.

According to prosecution case, the informant namely
Tapeshwar Prasad Yadav gave his written application stating
therein that on 29.01.2021 when the informant was at his door,
along with his family members then all F.I.R. named accused
persons variously armed came alongwith other 25-30



miscreants, accused Rajeshwar Rai and Kameshwar Rai took hold of informant's son Amit Lal Yadav and when family members raised objections then Rajeshwar Rai shot fire on the head of Amit Lal Yadav due to which he died on the spot. Kameshwar Rai shot on the head of Gama Rai due to which he died on the spot.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that allegation of firing against the co-accused namely, Rajeshwar Rai, Kameshwar Rai and Lal Babu Rai. He further submits that the petitioner is the member of mob and there is no allegation of overt-act against the petitioner. He further submits that after investigation police has submitted the charge sheet on 21.04.2021 against the petitioner and other co-accused persons. The petitioner is in custody since 31.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 Ghorasahan P.S. Case No. 41 of 2021, corresponding to G.R. No. 118 of 2021, 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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