

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41093 of 2022

Arising Out of PS. Case No.-58 Year-2015 Thana- SALIMPUR District- Patna

1. Rudal Rai S/O Late Sonelal Rai Resident of village- Saidpur, P.S.- Salimpur, District- Patna.
2. Nitish Rai S/O Late Sonelal Rai Resident of village- Saidpur, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Kumar, Advocate Mr. Abhinav Alok, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioners and
learned APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Salimpur P.S. Case No. 58 of 2015 registered
for the alleged offences under Sections 147, 148, 149, 341, 326,
379 and 307 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, the petitioners along
with other co-accused persons surrounded the informant and co-
accused Jhari Ray and petitioner no. 1 fired upon the informant



causing injuries to him. The occurrence took place in the background of fact that the petitioner no. 1 and other co-accused persons committed murder of the cousin of the informant and this informant is witness in that case.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The informant and his family members had lodged a number of cases against these petitioners and they enjoy the privilege of bail in all such cases except one case i.e. Salimpur P.S. Case No. 24 of 2015. Learned counsel further submits that for an occurrence on 03.05.2015, F.I.R. has been registered on 13.05.2015 and there is no explanation for the delay. Till date, no injury report has been brought on record. In fact, no occurrence as alleged has ever taken place and the witnesses are all interested witness in favor of the informant. The petitioners and the informant are co-villagers and agnates and there is land dispute between them. Other similarly placed co-accused person namely Jhuri Ray has been granted bail by a Coordinate Bench vide order dated 21.10.2015 passed in Cr. Misc. No. 51446 of 2015. Charge sheet has been submitted in this case and the petitioners are in custody since 07.02.2022.

Learned APP for the State opposes the prayer for bail



of the petitioners submitting that the petitioners are habitual offenders and they are accused in a number of cases.

Having regard to the submission made on behalf of the parties and considering the grant of bail to the similarly placed co-accused person along with the fact regarding absence of any injury report and further considering the period of custody of this petitioner along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Barh, Patna in connection with Salimpur P.S. Case No. 58 of 2015, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.



(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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