

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50774 of 2021

Arising Out of PS. Case No.-950 Year-2005 Thana- KADAMKUAN District- Patna

Nawal Rai S/O Late Shivji Rai R/O Village-Raghopur, P.S- Jurawanpur,
District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Adv

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 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 302,120B of IPC and Section 27 of Arms Act.

The prosecution case in short, is that the informant alongwith his elder brother Santosh Kumar returning from his shop and when they reached near Chidiyantar Main Road, near Khash Mahal More, in the meantime, Nagendra Rai and Nawal Rai came there with pistols in their hands, Nagendra Rai fired upon Santosh Kumar and Santosh Kumar received firearm injury on his head. Thereafter the informant fled away towards



Chidiyantar. Nagendra Rai and Nawal Rai chased the informant but informant anyhow hidden himself towards Chandmari road and informed about the alleged occurrence to the family members. Informant reached on place of occurrence. Police party also reached there. Informant saw that his brother was died. There was bullet injury in his head.

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 it appears from the FIR that there is no specific allegation of assault has been attributed against the petitioner. There is general and omnibus allegation against the petitioner. He further submits that the allegation of firing of assault has been attributed is against co-accused, namely, Nagendra Rai and the police after investigation, submitted chargesheet against the petitioner on 30.05.2021 and the petitioner is in custody since 12.03.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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 Kadamkuan Police Station Case No.950 of 2005, 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)

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