

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41620 of 2022**

Arising Out of PS. Case No.-487 Year-2021 Thana- GARKHA District- Saran

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Awadhesh Rai S/O Late Dukhit Rai Resident of village- Parsa Ismaile P.S.-
Garkha, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-09-2022 Heard learned counsel for the petitioner and Mr. Md.
Sufyan, learned APP for the State.

Learned counsel for the petitioner is directed to
remove all the defects within two weeks from today.

The petitioner has renewed his prayer for bail in
connection with Garkha P.S. Case No.487 of 2021 registered for
the offences under Sections 341, 323, 324, 325, 354(B), 379,
307, 506 and 504/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Earlier the prayer for bail of the petitioner was
rejected by this Court vide order dated 18.05.2022 passed in
Cr.Misc.No.66676 of 2021 on the solitary ground that the
petitioner had not disclosed complete criminal antecedent in



paragraph '3' of the said application.

Learned counsel for the petitioner submits that as per the prosecution report this petitioner is said to be the order-giver, he has not committed any overt act and the co-accused namely Naresh Rai @ Ram and two other co-accused have been granted privilege of anticipatory bail in Cr.Misc.No.25978 of 2022. It is submitted that the petitioner has remained in custody in connection with this case since 27.10.2021 and till date the trial has not begun.

Learned APP for the State submits that the petitioner has got 5 criminal antecedents pending against him and according to him he has been acquitted in one case whereas another has been closed on compromise. Learned APP has pointed out that there is some error in respect of the date of custody. In paragraph '1' of the impugned order the date of custody written as 27.10.2013 whereas in 3rd paragraph it is stated as 10.09.2021.

Having regard to the facts and circumstances of the case, the submission that the petitioner has not committed any overt act and further that he has remained in custody for over one year and in the present case the trial has yet not begun and learned counsel for the petitioner has informed that in all the



five cases which are pending against the petitioner he is on bail, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Chapra, Saran in connection with Garkha P.S. Case No.487 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

