

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43427 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- DUMRA District- Sitamarhi

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Hiralal Rai @ Hiralal Yadav @ Hira Yadav Son of Manager Rai, Resident of
Village - Dhanushi , P.s. - Dumra, Distt.- Sitamarhi, (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Smiti Bharti, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Dumra P.S. Case No. 71 of 2022, lodged under Sections 302/34
of the Indian Penal Code.

As per prosecution case, the informant disclosed that
the deceased become the monk about 15 years back and since
last 5 years, he became the Mahanth of Dulhan Pokhri Math. He
use to look after the land dispute of family property also. It has
been stated that accused persons including the petitioner have
threatened the son of informant with dire consequences. The
another son of informant had seen a discussion between the

deceased and Ganeshi Shah, on the next morning they received information about death of deceased in the Math itself.

Learned counsel for the petitioner submits that petitioner is in custody since 31.03.2022, charge sheet has already been filed and there are 2 criminal antecedents of petitioner, in which, he is on bail in both the cases. He further submits that the other accused persons namely Manager Rai has been granted regular bail by this Court vide order dated 01.12.2022 passed in Cr. Misc. No. 40034 of 2022 and Jawahar Rai has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 52996 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 71 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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