

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56117 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

MODI RAI S/o Ashok Rai R/o village- Bishunpur Baladhari, P.S.- Hajipur
Sadar, District- Vaishali- 844102

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur,Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2022 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 the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Hajipur Sadar P.S.Case No.245 of 2020 registered for the offence under Sections 147,148,149,341,323,324,307,379,504,506 and 302 of the Indian Penal Code.

The petitioner along with his associates are alleged to have assaulted the informant and his rescuer by means of deadly weapons, resultantly, the informant and others sustained severe injuries.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that the allegation of assault by the co-accused, namely, Manish Kumar and Anish Kumar whereas the allegation against the present petitioner is that he has assaulted the informant. He further submits that it appears from the injury report that the injury is simple. He further submits that co-accused, namely, Pintu Kumar has been granted bail vide order dated 16.04.2021 in Cr. Misc. No.5618 of 2021 and co-accused, namely, Ashok Rai has been granted bail vide order dated 12.01.2021 in Cr. Misc. No.54514 of 2021 and one another co-accused, namely, Sujeet Kumar has been granted bail vide order dated 20.01.2022 in Cr. Misc. No.54198 of 2021 by different Coordinate Benches of this Hon'ble Court and the case of the petitioner is similar footing. Petitioner is in custody since 22.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 Chief



Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S.Case No.245 of 2020 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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