

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54515 of 2021

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

Ashok Rai Son Of Jagdeo Rai Resident Of 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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2022 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.

This case has been taken up out of turn on the basis of the motion slip filed by the petitioner on the ground that the father of the petitioner has died on 07.01.2022.

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 of the Indian Penal Code and subsequently Sections 506 and 302 IPC has been added.

The prosecution case in short is that while the informant was being assaulted by the accused persons, the



informant raised alarm then his family members namely Suresh Rai, Rewati Raman and Pappu Rai came to save him then Ashok Rai and Mukesh Rai caused injury by iron rod and Manish Kumar with Anil Kumar stabbed Suresh Rai. Thereafter, the injured were brought to hospital from where Suresh Rai was referred to PMCH.

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 there is general and omnibus allegation against the petitioner. As per the FIR, the specific allegation against co-accused, namely, Manish Kumar, Anil Kumar and one Modi Kumar. 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 fact 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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