

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57345 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- BIDUPUR District- Vaishali

Subodh Rai @ Subodh Kumar S/O Shivshankar Rai R/o village- Nayagaon
28 Tola, P.S.- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant namely Ritesh Kumar gave the statement before the S.H.O. Bidupur police station and stated that his marriage was solemnized with Shaila Kumari daughter of Suresh Ram in the year 2014. He further alleged that about one years ago his wife Shaila Devi falls in love with petitioner (co-villager of informant) and in-



laws of informant having knowledge this fact and in-laws of informant want to kill him (informant) and after killing also want to marry his daughter Shaila Devi with petitioner. Due to this reason dated 23.03.2021 in evening, father-in-law, brother-in-law of informant and petitioner were ambushed near Maniyarpur Chowk on the Passion Pro motorcycle. Further alleged that when the informant was going to Chakausan from the house of his sister by his motorcycle then after seeing the informant the petitioner and his father-in-law both gave order to Ranjit Rai to shoot him took out his pistol and fired shot up on to informant which hit up on right Arms of informant as a result of which he fell down and became unconscious.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to enmity. He further submits that it appears from the F.I.R. the date of occurrence as mentioned in the F.I.R. is 23.03.2021 but the present F.I.R. was lodged on 07.04.2021 after delay of 14 days without any explanation of delay. He further submits that it appears from the F.I.R. that the petitioner is only order given and allegation of firing against the co-accused namely, Ranjit Rai who is brother-in-law of the informant. The petitioner is in custody since 05.07.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Bidupur P.S. Case No. 187 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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