

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59893 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- RAGHOPUR District- Vaishali

Vakil Rai Son of Late Baleshwar Rai Resident of Village - Jagdishpur, P.S. -
Raghopur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate.

For the Opposite Party/s : Mr. Mohammed Arif, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Raj Krishan Jha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Raghopur P.S. Case No. 193 of 2020, for the
offences punishable under Sections 147, 341, 323, 307 and 302
of the Indian Penal Code.

The prosecution case is based on the fardbayan of the
informant alleging therein that on 21.12.2020, the brother-in-
law of the informant, namely, Shankar Kumar went to ask for
his money of irrigation from co-accused Birkeshwar Rai,
thereupon all the accused persons started abusing him and when
it was protested all the accused persons brutally assaulted him.



It is further alleged that when the informant's husband and other persons tried to pacify the matter the accused persons also assaulted them. It is also alleged that the husband of the informant died on account of injuries inflicted by all the accused persons.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus allegation against all the accused persons that they pelted stones and bricks and also assaulted by means of *lathy* and iron rod to all the family members of the informant including the deceased. He further submitted that though the informant is claiming herself to be an eyewitness of the alleged occurrence but no specific allegation of any overt act has been alleged against the petitioner and moreover, other co-accused person having identical allegation has been allowed the privilege of bail by this court in Cr. Misc. No. 21276 of 2022, vide order dated 25.07.2022, the copy of which has been produced before this court and the same has been taken on record. He also submitted that the petitioner having fair antecedent, is in custody since 19.03.2021 and the investigation of the crime is already complete and the charge-sheet has been submitted much earlier.

On the other hand learned APP for the State



vehemently opposes the bail application and submitted that from the postmortem report, it appears that several injuries have been received on the body of the deceased and the complicity of the petitioner cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fair antecedent of the petitioner and period of incarceration and moreover the parity demands equal treatment, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Hajipur, Vaishali, in connection with Raghapur P.S. Case No. 193 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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