

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64836 of 2021**

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

Lalu Rai, Son of Rajendra 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. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

4 08-08-2022 From the record, it appears that earlier twice vide order dated 22.04.2022 as well as order dated 19.07.2022 specific direction was given to submit criminal antecedent report of the petitioner, but till date, the same has not been received, which shows the lackadaisical and recalcitrant attitude of the concerned Court as well as officer responsible for the same.

Considering the aforesaid facts, this Court directs the learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur to submit his show-cause explanation as to why the order of the this Court has not been complied, till date.

List this matter after two weeks under the heading “To Be Mentioned”.

Office is directed to communicate this order to the



concerned Court.

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. Santosh Kumar, 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 registered for the offences punishable under Sections 147, 341, 323, 307 and 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 21.12.2020, the brother-in-law (Dewar) of the informant, namely, Shankar Kumar, went to ask for money for irrigation from the co-accused Bilkeshwar Rai, thereupon all the accused persons including the petitioner started abusing him and when it was protested, all the accused persons brutally assaulted. It is further alleged that when the informant went to save him, the accused persons also assaulted them. It is next submitted that the husband of the informant died on account of injuries inflicted by all the accused persons.

Learned counsel for the petitioner submits that there is general and omnibus allegation against all the accused persons



and the present occurrence is said to have taken place on 21.12.2020, but the present F.I.R. has been instituted on 24.12.2020, after a lapse of about three days without any explanation. It is next submitted that so far the injury sustained to other family members of the informant are concerned, the same have been found to be simple in nature. It is next submitted that there is allegation of pelting of stones and bricks over the husband of the informant and other injured persons and moreover other co-accused persons, namely, Guna @ Govind Ray @ Govind Rai @ Guna Rai, has already been granted bail by this Court in Cr. Misc. No. 21276 of 2022 vide order dated 25.07.2022 and moreover this petitioner, who is having fair antecedent, is in custody since 11.07.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that all the accused persons in furtherance of common intention assaulted the husband of the informant resulting into his death.

Having considered the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact the delay in lodging the F.I.R. as well as co-accused person, having identical allegation, has already been granted bail by this Court and this petitioner is in



custody since 11.07.2021 having fair antecedent, 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, Vaishali at Hajipur 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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