

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57875 of 2022

Arising Out of PS. Case No.-445 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Ravi Rai, Son of Birendra Rai Resident of Village- Dihrama, P.S.- Sonhan,
District- Kaimur, Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-12-2022 This case is listed for out of turn hearing under the heading "To be Mentioned" on account of the fact that the petitioner has to appear in the examination of Bihar Staff Selection Commission, scheduled to be held on 23.12.2022.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Bhabhua (Sonhan) P. S. Case No. 445 of 2022, registered for the offences punishable under Sections 147, 148, 149, 160, 341, 323 and 307 of the Indian Penal Code and Sections 25(1-B), 26, 35 and 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is



that firing took place between two parties due to land dispute. It is further alleged that both sides have fired and sustained injuries. Allegation of recovery of arms and ammunition is also there.

The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only because of previous enmity. He further submits that there is no allegation of any injury caused to any person nor is any recovery of arms from the conscious possession of the petitioner. He also submits that the petitioner is a student and preparing for examination and one of his examinations is going to be conducted by Bihar Staff Selection Commission, scheduled to be held on 23.12.2022 and he has to appear in this examination.

The petitioner has been languishing in jail since 13.07.2020.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that



the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Kaimur, Bhabua, in connection with Bhabhua (Sonhan) P. S. Case No. 445 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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