

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67188 of 2021

Arising Out of PS. Case No.-53 Year-2017 Thana- BATHNAHA District- Sitamarhi

Murari Rai @ Ankit Rai @ Krishna Murari Kumar Son of Siyaram Ram
Resident Of Village- Ghoghraha, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Ms. Madhubala Verma, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, APP
For the Informant :	Mr. Ghanshyam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Bathnnaha P.S. Case No. 53 of 2017 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. He is in custody since 20.09.2021. The petitioner has no criminal antecedent.

As per the prosecution story, the 6 named accused persons had surrounded the husband of the informant and gave knife blow with an intention to kill.

Learned counsel for the petitioner has drawn the attention of this Court towards the specific allegation made in



the FIR wherein it is stated that the co-accused Madhurendra @ Madhusudan and Mintu Rai assaulted the husband of the informant by a dagger with an intention to kill him and they caused injuries on his chest, back and shoulder.

Learned counsel submits that there being specific allegation against Madhurendra and Mintu Rai and so far as this petitioner is concerned, he has been made an accused by simply recording his name as one of the 6 persons who had allegedly surrounded the husband of the informant.

Learned counsel for the informant submits that although there is no direct allegation against the petitioner but the FIR suggests that this petitioner was very much present at the place of occurrence and had participated in the alleged occurrence.

Learned APP for the State submits that so far as the allegation against this petitioner is concerned, it is general and omnibus and no overt act has been alleged against him.

Having regard to the submissions noted hereinabove and the materials present before this Court, on noticing that the specific allegations of assault are against other co-accused and not against this petitioner and the petitioner has remained in custody since 20.09.2021 and his presence may be secured in



course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 53 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

