

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68442 of 2021**

Arising Out of PS. Case No.-287 Year-2017 Thana- GARKHA District- Saran

Tarun Rai S/o Ladu Ray @ Laddu Rai Resident of Village- Banwaripur, P.S.-
Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Garkha
P.S. Case No. 287 of 2017 registered for the offence under
Sections 147, 148, 149, 341, 302 and 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.08.2021.

The allegation against the petitioner is to commit
murder of 'Samadhi' of the informant, alongwith other co-



accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case. It is submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Ajay Rai, where nothing incriminating surfaced/recovered, which may connect the petitioner with the present set of occurrence. It is further submitted that no T.I.P. has been conducted in this case and, moreover, similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 1450 of 2021 dated 08.03.2021. It is pointed out that petitioner is involved in three other criminal cases, in which he has been acquitted in one case and on bail, in rest of the two cases. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of



investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence, in view of the confessional statement of co-accused coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Garkha P.S. Case No. 287 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VII, Saran at Chapra/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

(iii) That one of the bailors shall be
Ladu Ray @ Laddu Rai, who is the father of
the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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