

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1313 of 2022

Arising Out of PS. Case No.-41 Year-2009 Thana- SIWAIPATTI District- Muzaffarpur

PRAMOD RAI@ PRAMOD KUMAR Son of Late Kapil Deo Resident of
Village - Nakardeva, P.S.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 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
Siwaipatti P.S. Case No. 41 of 2009 registered for the offence
under Sections 302 and 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.09.2021.

The allegation against the petitioner is to commit
murder of father of the informant along with other co-accused
persons, causing fire-arms injury.

Learned counsel appearing on behalf of the petitioner



submitted that no specific over act has been attributed against this petitioner 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. 30416 of 2019 dated 04.07.2019. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that this is a case of indiscriminate firing and there is no specific allegation against this petitioner.

Considering the facts and circumstances as mentioned above, as allegation of firing is not specific against the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwaipatti P.S. Case No. 41 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, (East) Muzaffarpur, subject to the following conditions:



“(i)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.

(ii) That one of the bailors shall be Bharat Ray, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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