

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64397 of 2022

Arising Out of PS. Case No.-157 Year-2016 Thana- MAHUA District- Vaishali

NARESH RAI Son of Late Mahendra Rai Resident of Village - Hasanpur
Bhadwas, P.S.- Mahua, District - Vaishali (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 30-11-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

The earlier application for bail of the petitioner was rejected vide order dated 29.3.2022 passed in Cr. Misc. no.44004 of 2021.

As per the prosecution case, the accused persons including the petitioner herein are said to have come variously armed and as a result of indiscriminate firing by the accused Ajay Rai, the son of the informant died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The earlier application filed by the petitioner was rejected on account of his absconding. The petitioner is in custody since



17.5.2021 and undertakes to cooperate in the trial. It is further submitted that other four co-accused including aforesaid Ajay Rai have been acquitted vide judgment dated 16.9.2022 passed in Sessions Trial no.480 of 2018 (G.R. no.1769 of 2016) passed by the learned Additional District and Sessions Judge VII, Vaishali at Hajipur. Learned counsel for the petitioner produces the certified copy of the aforesaid judgment dated 16.9.2022 which is taken on record.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the acquittal of the co-accused by the above referred judgment dated 16.9.2022 together with the nature of allegation and the petitioner having remained in custody for 1 year 6 months since 17.5.2021, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.467 of 2022 (arising out of Mahua P.S. Case no.157 of 2016) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VII, Vaishali at Hajipur.

(Partha Sarthy, J)

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