

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12601 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- CHIRAIYA District- East Champaran

BHOLA RAY @ BHOLA YADAV Son of Punit Ray @ Punit Rayay Resident
of Rajwada, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 14
of 2023 arising out of Chiraiya P.S. Case No. 261 of 2022
registered for the offence under Sections 394 and 302 of the
Indian Penal Code.

Two miscreants are alleged to have assaulted the
informant and his wife with sharpened weapon and iron rod
causing him injury on the backside of the head as a result of
which wife of the informant fell down thereafter they have
snatched their bag and cash of Rs. 5000-7000/-

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been



named in the F.I.R., however, his name transpired in this case during course of investigation on the basis of information furnished by the spy thereafter confessional statement of the petitioner was recorded in Chiraiya P.S. Case No. 305 of 2022 after being arrested. Save and except the confessional statement of petitioner, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner has been remanded in this case on 23.09.2022 and since then he is rotting in judicial custody.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one and he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-22, East Champaran, Motihari in connection with S.T. No. 14 of 2013 arising out of Chiraiya P.S. Case No. 261 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

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