

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.739 of 2022

Arising Out of PS. Case No.-695 Year-2021 Thana- MAHUA District- Vaishali

RAUSHAN KUMAR Son of Vashisth Ray @ Bashishth Ray Resident of
Village - Parsauniya, P.S.- Mahua, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheo Kumar Son of Sheocharan Ram Resident of Village- Daudnagar, P.S.-
Marjapur, P.S.- Mahua, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 09-02-2023 Heard learned counsel for the appellant and the
learned A.P.P. for the State.

This appeal is directed against the order dated
25.01.2022 passed by the learned Special Judge, SC/ST,
Vaishali at Hajipur by which the application of the appellant for
pre-arrest bail has been rejected in connection with Mahua P.S.
Case No. 695 of 2021 registered under Section 307 and other
allied sections of the Indian Penal Code, section 27 of the Arms
Act and 3(i)(r)(s) of the SC/ST (POA) Act.

Learned counsel appearing on behalf of the appellant
submits that similarly situated several co-accused persons have
already been allowed bail by a Co-ordinate Bench of this Court



vide order dated 07.09.2022 passed in Cr. Appeal (SJ) No. 518 of 2022.

Having considered the above facts and circumstances of the case, the order dated 25.01.2022 passed in Mahua P.S. Case No. 695 of 2021 by the learned Additional Sessions-cum-Special Judge, Vaishali at Hajipur is hereby set aside and the above named appellant is directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below in connection with Mahua P.S. Case No. 695 of 2021, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

It is pertinent to note here that the learned trial Court before accepting the bail bonds will verify whether the case between the informant and the appellant have been compromised or not. In the event, if it is found that the case has not been compromised, then the present order of anticipatory bail shall not be given effect.

shailendra/-

(Arvind Srivastava, J)

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