

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22355 of 2023

Arising Out of PS. Case No.-53 Year-2017 Thana- BATHNAHA District- Sitamarhi

Mintu Rai @ Mintu Kumar, S/o Siyaram Ram, R/o Village- Ghoghraha, P.S-
Sahiyara, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Bathnaha P.S. Case No.53 of 2017 registered for the
offence punishable under Section 302 read with 34 of the Indian
Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 15.11.2022.

4. Allegation against the petitioner is to commit
murder of husband of informant along with other co-accused
persons by inflicting knife injuries.

5. It is submitted by learned counsel that the
allegatory part of the FIR appears in two parts, where in first
part, a general and omnibus allegation raised against six named
co-accused persons including this petitioner to assault husband



of informant by means of knife, whereas in second part, allegation reduced to two co-accused persons, namely, Madhurendra @ Maksudan Rai and this petitioner as to cause knife injuries, causing death of the husband of informant. It is submitted that in totality, as per narration of FIR, that the physical assault as alleged caused by total of six co-accused persons including this petitioner where, co-accused Siyaram Rai and Pramod Rai have already been granted bail by different learned co-ordinate Bench of this Court vide order dated 07.08.2017 passed in Cr. Misc. No.34638 of 2017. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of general and omnibus allegation *qua* physical assault as alleged, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.11.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No.53 of 2017, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(ii) That petitioner shall co-operate 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 deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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