

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17581 of 2023**

Arising Out of PS. Case No.-74 Year-2020 Thana- RAGHOPUR District- Vaishali

PAPPU RAI Son of Raju Rai Resident of village - Mohanpur, P.S.- Raghopur,
District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 24.12.2022 in connection with Raghopur P.S. Case No. 74 of 2020, F.I.R. dated 23.05.2020 registered for the offence punishable under Sections 147, 149, 448, 341, 323, 307, 302 of IPC.

As per the FIR, eight named accused persons including this petitioner on account of land dispute with the informant assaulted Arjun Rai (brother of informant) as a result of which he died during course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is



that all the accused persons including the petitioner have assaulted the father of the informant. Further submits that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioner and in 2nd part, specific allegation of assault is against co-accused, namely, Kalu Rai and Bulu Rai. There is no specific allegation of any assault or overt-act attributed against the petitioner and at best the petitioner is a member of unlawful assembly. Further submits that due to admitted dispute, the present occurrence had taken place and the petitioner and informant are close relatives and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, let the petitioner, above named, 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 Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Raghopur P.S. Case No. 74 of 2020, 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 cancelled 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.

(3) 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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