

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26788 of 2023

Arising Out of PS. Case No.-711 Year-2021 Thana- GARKHA District- Saran

SUJIT RAI Son of Jagdish Rai @ Deepa Rai Resident of village-Rampur,
Khakhi, Baba ke Tola, Police Station-Garkha, District-Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.10.2021 in connection with Garkha P.S. Case No.711/2021,
dated 14.10.2021, for the offences punishable under Sections
302/34 of the IPC.

3. According to prosecution case, co-accused namely
Sunil Rai and Ravindra Rai caught the hand of the deceased and
thereafter accused Jitan Rai hit on the neck of Ajay Rai, due to
which he died.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare
perusal of the F.I.R., it appears that the specific allegation of



assault is against co-accused, namely, Jitan Rai and the allegation against the petitioner is that he has assaulted the deceased with lathi and co-accused, namely, Rajesh Rai and Ranjeet Rai have been granted bail by a co-ordinate Bench of this Court vide order dated 13.02.2023 passed in Cr. Misc. No. 41520/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.10.2021.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and period of custody, 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 the learned C.J.M., Saran at Chapra in connection with Garkha P.S. Case No.711/2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

amit/-

U		T	
---	--	---	--

