

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23165 of 2023

Arising Out of PS. Case No.-126 Year-2021 Thana- CHHAURADANO District- East
Champaran

=====

Braj Kishore Rai son of Ramagya Rai Village- Chandarman PS- Chhauradano
Mahuawa Dist- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.
For the Opposite Party/s : Mr. Harendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Heard Mr. Shashank Shekhar, learned counsel

appearing on behalf of the petitioner and Mr. Harendra Prasad,

learned Additional Public Prosecutor for the State.

The petitioner is renewing his prayer for bail in
connection with Chhauradano (Mahuawa) P.S. Case No. 126 of
2021 giving rise to Sessions Trial No. 1342 of 2022 registered
for the offences punishable under Sections 341, 323, 324, 325,
307 and 506/34 of the Indian Penal Code.

Earlier, the prayer for bail of the petitioner was
rejected vide order dated 14.09.2022 passed in Cr. Misc. No.
57006 of 2021, after taking into consideration the nature of
accusation and the gravity of the offence that the petitioner
assaulted his own father, which resulted into grievous injuries



leading to his death.

Learned counsel for the petitioner in course of submission drawn the attention of this Court towards Annexure-3 and vehemently submits that the cause of death is not accounted to the injuries rather he died on account of tuberculosis meningitis as is evident from the injury report submitted by the Associate Professor, Medicine Department, P.M.C.H. He further submits that as the victim died on account of aforementioned disease, hence, his body was handed over to his family members, which was cremated without getting the postmortem conducted. He next submits that there is a counter version of the present case and, in fact, on account of land dispute between the two brothers, some scuffle took place wherein their father received some injuries and taking advantage of that injuries, the instant FIR has been instituted by the younger brother of the petitioner. He also submits that now the petitioner has remained in custody for about two years and moreover the charges have been framed on 21.02.2023 under Section 307 and other allied Sections of the Indian Penal Code. He next submits that after framing of the charges, there is no substantive progress in the trial and there is no likelihood of the conclude of the trial in near future.



On the other hand, learned counsel for the State opposes the bail application and submits that earlier the prayer for bail of the petitioner was rejected on merit and there is no subsequent development which warrants reconsideration. He further submits that the petitioner has one criminal antecedent as has been mentioned in para-3 of the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the victim died on account of tuberculosis meningitis and not due to the injuries sustained on his body and now the charges have already been framed coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional Sessions Judge, East Champaran at Motihari in connection with Chhauradano (Mahuawa) P.S. Case No. 126 of 2021 giving rise to Sessions Trial No. 1342 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

rohit/-

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

