

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27135 of 2023

Arising Out of PS. Case No.-201 Year-2020 Thana- BARGAINIA District- Sitamarhi

ETISH RAI @ SATISH RAI SON OF SUBH NARAYAN RAI @
SUBHNARAYAN RAY R/O MASAHAALAM, WARD NO.18, P.S.-
BAIRGANIA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bairgania
P.S. Case No. 201 of 2020 dated 06.11.2020 registered for the
offence under Sections 302 and 201/34 of the Indian Penal Code.

The brother of the informant is alleged to have been
murdered by the F.I.R. named accused persons and they have
thrown the dead body of the deceased in the bamboo orchard of
one Nathuni Sah.

It appears from the record that on the first occasion,
the prayer for bail of this petitioner had been rejected by this
Court vide order dated 10.03.2022 passed in Cr. Misc. No. 44450
of 2022 directing the learned court below to expedite the trial.
However, the petitioner has renewed his prayer for bail on



second occasion but the case was not heard on merit as the same was sought to be withdrawn to move afresh before the court below. This is the third occasion, the petitioner is before this Court renewing the prayer for grant of bail.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. Relying on the impugned order, learned counsel for the petitioner submits that despite the direction of this Court to make all possible effort to conclude the trial expeditiously, the case is still waiting for commitment though the learned court below, by the impugned order dated 04.03.2023, directed the case to be sent for commitment to the Court of Sessions. He further submits that several co-accused persons, who are seven in numbers, have been granted bail by different co-ordinate Benches of this Court, which would be evident from the Annexure-3 series to this application and the petitioner has been languishing in judicial custody since 18.05.2021 which is more than one and half years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the present stage of the trial despite the order of this Court for its expeditious disposal and also the period of incarceration of the petitioner, let the, above named, petitioner 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 Chief Judicial Magistrate, Sitamarhi in connection with Barigania P.S. Case No. 201 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 canceled 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.

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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