

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27424 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- BALIGAON District- Vaishali

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Basant Rai @ Basant Kumar Rai Son Of Late Langatu Ray R/V- Malpur (tola Maheya) Ps- Patepur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Suman Kumari Singh, APP
For the State/s	:	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.12.2022 in connection with Baligaon P.S. Case No. 65 of 2022, F.I.R. dated 21.06.2022 for the offences punishable under Sections 302 and 120 (B) of the Indian Penal Code.

3. According to prosecution case, Son of the informant is alleged to have been assaulted and murdered by the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that allegation as alleged in the F.I.R., is false and fabricated and the petitioner



has not committed any offence in the said occurrence. He further submits that the informant is not an eye witness of the alleged occurrence and except suspicion, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused person, namely, Sita Devi has been granted bail vide order dated 21.04.2023 in Cr. Misc. No. 66375 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Additional Chief Judicial Magistrate – IInd, Hajipur, Vaishali, in connection with Baligaon P.S. Case No. 65 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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