

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27435 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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RUPESH RAI @ RUPESH KUMAR @ ASHUTOSH CHANDRA RAI Son
of Late Nawal Kishore Rai Resident of village - Raghunathpur, P.S. -
Sahebpur Kamal, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with G.R. Case
No. 3855 of 2022 arising out of Sahebpur Kamal P.S. Case No. 321
of 2022 registered for the offence under Sections 147, 148, 149,
120(B), 323, 307 and 324 of the Indian Penal Code and 27 of the
Arms Act.

According to the F.I.R, 18 accuse persons including the
petitioner alleged to have started firing upon the informant and
his family members due to which they sustained injuries.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that due to admitted land dispute,
the present occurrence took place between the parties. He



further submits that on bare perusal of the F.I.R., it appears that the specific allegation of firing is attributed to the co-accused, Bambam Rai and no specific allegation of assault or overt act is attributed to the petitioner. He further submits that the petitioner can only be said to be member of unlawful assembly. Moreover, co-accused, Bambam Rai against whom specific allegation of firing is attributed has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 28092 of 2023 and another co-accused, namely, Ashutosh Chandra Rai @ Rupesh Kumar @ Asutosh Chandra Ray @ Rupesh Ray has also been granted bail by a co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 19700 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, 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 Additional Chief Judicial Magistrate-4th, Begusarai in connection with Sahebpur



Kamal P.S. Case No. 321 of 2022/ G.R. No. 3855 of 2022 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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