

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27410 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

=====

Shashi Kumar Rai @ Shashi Bhushan Rai S/O Subhnarayan Rai, Resident Of
Village- Mohnadih, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 06-06-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barari P.S. Case No. 403 of 2022 dated 08.12.2022 lodged
under Sections 147, 148, 149, 341, 323, 307, 302, 201, 364, 386
and 120(B) of the I.P.C. read with section 27 of the Arms Act.

As per prosecution, the present F.I.R. has been lodged
against 23 named accused persons. The name of the petitioner
has has not figured in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that in the F.I.R. name of 23 accused persons are there

and name of petitioner has not figured but subsequently after 13 days of the said occurrence, 3 independent person became witness during the investigation and disclosed the name of the petitioner as the conspirator on the basis of said material police has arrested him. He further submits that there are two criminal cases pending against the petitioner in which he is on bail and petitioner is in custody since 04.01.2023.

Learned counsel for the State opposes the prayer for bail and submits that allegation of conspiracy against the petitioner in this case are available which transpires from the rejection order.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Katihar in connection with Barari P.S. Case No. 403 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

(Dr. Anshuman, J.)

ravishankar/-

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