

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37851 of 2023

Arising Out of PS. Case No.-1049 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Arjun Rai @ Jhulan Rai @ Jhule Rai Son Fo Late Lala Rai Resident Of
Village- Chakaima, Ps- Hajipur Sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivjee Singh, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP
For the Informant :	Mr. Manish Chandra Gandhi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
27.12.2022 in connection with Hajipur Sadar P.S. Case No.
1049 of 2022, F.I.R. dated 25.12.2022 for the offences
punishable under Sections 302 and 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with another accused person and one unknown biker conspired



with each other have killed the husband of the informant due to some old dispute.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that from perusal of the F.I.R it appears that due to admitted old dispute, the petitioner has been implicated in this present false and fabricated case. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that as per the allegation alleged in the F.I.R, the petitioner and other accused person, namely, Kalam Rai were seen at the place of occurrence along with the pistol. He further submits that the present F.I.R. was instituted on 25.12.2022 but before the filing of the present F.I.R, the inquest report was prepared and postmortem was also conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Dabloo Rai @ Prem Pratap Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 14.06.2023 passed in Cr. Misc. No. 30045 of 2023 and another co-accused, namely, Pawan Rai has been granted bail by a co-ordinate Bench of this



Court vide order dated 23.05.2023 passed in Cr. Misc. No. 25710 of 2023. The petitioner is in custody since 27.12.2022.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he along with other accused person have fired upon the victim and apart from the aforesaid the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

7. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 1049 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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