

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36965 of 2023

Arising Out of PS. Case No.-580 Year-2022 Thana- RIGA District- Sitamarhi

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MURARI KUMAR YADAV @ MURARI RAI Son of Late Surendra Rai
Resident of village - Chotahi, P.S. - Riga, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Riga
P.S. Case No. 580 of 2022, registered for the offences
punishable under Sections 341, 323, 307, 504, 506, 34 and
414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35
and 27 of the Arms Act.

The prosecution case as emerging from the FIR is
that on 26.12.2022 at about 07:30 P.M. when the father of
the informant was performing Puja at Chotahi Hanuman



Mandir, the petitioner and his associates came there and started abusing him and assaulting him. Later, on the same night the accused persons came at the house of informant and they started firing upon the informant's father with the intention to kill him but anyhow his father saved his life.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous enmity between the accused persons and the informant. He further submits that even as per the FIR no injury has been caused. He also submits that there is no independent witness to the alleged occurrence and the seized firearm does not belong to the petitioner.

He further submits that the petitioner has been languishing in jail since 18.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Riga P.S. Case No. 580 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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