

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43071 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- KOILWAR District- Bhojpur

Bideshi Rai @ Amresh Kumar Rai Son of Late Rampujan Rai Resident of
Village - Mahadeochak Simariya, P.S.- Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 10-05-2023 Heard Mr. Y.V. Giri, learned senior counsel for the petitioner assisted by Mr. Surendra Kishore Thakur, Mr. Manoj Kumar, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since 02.03.2022 in connection with Koilwar P.S. Case No. 288 of 2021, F.I.R. dated 29.06.2021 for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along



with other accused persons armed with weapons were mining the sand illegally from the field of informant. When the uncle of the informant protested about it, all the accused persons started abusing him and one Anil Rai fired upon the uncle of the informant which hit at his stomach and subsequently he died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation against the co-accused person, namely, Anil Rai who fired upon the victim and the petitioner is alleged to be the order giver and there is no allegation of any assault or overt act against the petitioner. He further submits that the injury report of the deceased suggests that only one injury was found on the body of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Ramnath Bind, Bhagirath Bind @ Bhagirath Bin and Fani Bin @ Fani have been granted bail by a co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 16319 of 2022 and another accused persons, namely, Panjabi Rai @ Rakesh Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 07.06.2022



passed in Cr. Misc. No. 56121 of 2021. The petitioner is in custody since 02.03.2022.

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 the petitioner carries 18 cases other than the present one but fairly submits on the basis of the paragraph 3 of the bail petition that the petitioner is on bail in 14 cases out of 18 cases.

Considering the aforesaid facts and circumstances and the period of custody, 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, Bhojpur, Ara in connection with Koilwar P.S. Case No. 288 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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