

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40693 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- CHIRAIYA District- East Champaran

Bunilal Rai, aged about 28 years, Male Son of Bindeshwari Prasad, Resident
of Village- Rajwara, P.S. Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Chiraiya
P.S. Case No. 261 of 2022 dated 08.06.2022 registered for the
offence punishable under Sections 394, 302/34 of the Indian
Penal Code.

As per the prosecution case, four miscreants are
alleged to have assaulted the informant and his wife with
sharped weapon and iron rod causing him injury on the backside
of the head as a result of which wife of the informant fell down
thereafter they have snatched their bag and cash. It is further
alleged that the informant took his wife to hospital where the
doctor declared his wife dead.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case and there is no cogent material against the petitioner. His name came in this case on the confessional statement of co-accused Bhola Ray @ Bhola Yadav, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 in Cr. Misc. No. 12601 of 2023. Charge-sheet has already been filed in this case. Petitioner is in jail custody since 05.04.2023 and has got four criminal antecedent in which he is on bail.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case and submission of learned counsel for the parties, let the petitioner above named, be released on bail **after framing of charge** upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-4th, Sikrahana at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 261 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.



(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

(iii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move for cancellation of bail.

(Sunil Dutta Mishra, J)

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