

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41228 of 2023**

Arising Out of PS. Case No.-230 Year-2021 Thana- MEHSI District- East Champaran

MAHESH RAI @ MAHESH KUMAR YADAV S/O BAIDYANATH RAI
R/O VILLAGE- KOTHIYA HARI RAM, PS. MEHSI, DIST. EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 19-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, co-accused, namely, Suresh Rai and Pramod Rai are said to have fired upon the informant's husband as a result of which he died on the spot.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. There is specific allegation against co-accused Suresh Rai and Pramod Rai. It is further submitted that co-accused Suresh Rai has been acquitted from the charges by learned Court below, as mentioned in para 10 of the bail application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that petitioner is also involved in the present case.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mehsi P.S. Case No. 230 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioner is directed to cooperate in the trial. If the petitioner fails to appear before the learned Court below on the two consecutive dates on the date fixed in the case, the prosecution will be at liberty to file an application for



cancellation of bail bond of the petitioner before the learned
Court below.

(Anjani Kumar Sharan, J)

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