

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41832 of 2023

Arising Out of PS. Case No.-319 Year-2022 Thana- MOTIPUR District- Muzaffarpur

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RAMESH RAI Son of Late Aklu Rai Resident of village - Morsandi, P.S. -
Motipur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kishor,Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
09.01.2023 in connection with Motipur P.S. Case No. 319 of
2022, F.I.R. dated 02.09.2022 registered for the offences
punishable u/ss 341, 323, 324, 307, 302 and 504 read with
Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons holding iron rod, spade came to the door of
the informant and started abusing. On being objected, all the
accused persons assaulted the informant's father with spade and
iron rod with intent to kill causing injury. The informant's father
was taken to the hospital and during the course of treatment, his
father died.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that due to admitted land dispute the present occurrence had taken place and there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the five accused persons including the petitioner and co-accused person, namely, Amarjeet Rai has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.07.2023 passed in Cr. Misc. No.43759 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.01.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 learned A.C.J.M.-2nd, Muzaffarpur West in connection with Motipur P.S. Case No. 319 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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