

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45349 of 2023

Arising Out of PS. Case No.-895 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Surya Rai @ Suraj Rai Son Of Binod Rai Resident Of Village- Jiyalal Chowk
Nazirpur, Ps- Ahiyapur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mis. Vaishnavi Singh, Advocate
	:	Purushottam Kumar, Advocate
For the State	:	Mr. Binod Kumar No. 3 APP
For the Opposite Party/s	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.12.2022 in connection with Ahiyapur P.S. Case No. 895 of 2022, F.I.R. dated 07.10.2022 for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 325, 307 and 302 of the Indian Penal Code and later on Sections 25(1-b)a, 26 and 35 of the Arms Act were added.

3. According to prosecution case, the petitioner is alleged to have abducted the son of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that there is no eye witness of the alleged offence and the petitioner and other co-accused persons have assaulted the deceased, thereafter, all the accused persons have fled away from the place of the occurrence. He further submits that dead body of the deceased was recovered from other place and except on the basis of suspicion, no other material has come during the investigation to suggest the involvement of the petitioner in the alleged occurrence. He further submits that co-accused persons, namely, **Ajay Rai** and **Vinod Rai**, who were also accompanied with the petitioner, have been granted bail vide order dated 17.03.2023 in Cr. Misc. No. 18996 of 2023 and vide order dated 21.03.2023 in Cr. Misc. No. 20038 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner submits that it has come during the investigation that it appears from the CCTV footage that the petitioner is the main person who assaulted the deceased and the post-mortem report also supports the allegation. He further submits that one Rohit Kumar, who was accompanied with the deceased, has stated that all the



accused persons including the petitioner have assaulted the victim. Apart from the aforesaid, the petitioner carries six criminal antecedent other than the present one but fairly submits that on the basis of Paragraph No. 3 of the bail petition, the petitioner is on bail in all the six cases.

6. Considering the aforesaid facts and circumstances, 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, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 895 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 and on his absence on two consecutive dates without sufficient reason, his 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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