

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49295 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- RAMNAGAR District- West Champaran

Rudal Rai S/O Nathuni Rai R/O Mohalla- Churasia Nagar Chhathiyaghat, Ps.
Ram Nagar, Dist. West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.04.2023 in connection with Ram Nagar P.S. Case No. 177 of 2023, F.I.R. dated 19.04.2023 for the offences punishable under Sections 341,323,307,504 and 302 of the Indian Penal Code and under Section 37 of the Bihar Prohibition and Excise Act.

3. According to prosecution case, on 19.04.2023 at about 10:00 PM informant heard noise at his door, thereafter he came out from the house and saw his co-villager, namely, Rudal Rai abusing and assaulting his sister, namely Kamrul Nisa and the petitioner with intention to kill threw his sister on the PCC



Road due to which she sustained serious head injury on the right side of the head and blood started oozing out. Further his neighbour pacified the dispute and took his sister to the Government Hospital for her treatment with the help of his co-villager and after discharge of her sister from the Hospital after giving treatment he took away his sister to his house. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that there is no intention to kill the deceased and due to some altercation took place between the parties the present case has been instituted and petitioner pushed the sister of the informant on the PCC road due to which she sustained head injury and after the medical treatment of the deceased, she returned back to her house and thereafter she died next day i.e. 20.04.2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.04.2023.

5. The learned Additional Public Prosecutor on the basis of the material available on record as well as the case diary has vehemently opposed the prayer for bail of the petitioner and



submits that there is direct allegation against the petitioner but, fairly submits that from perusal of the FIR, it appears that there is no intention to kill the sister of the informant.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Bagaha, West Champaran in connection with Ram Nagar P.S. Case No. 177 of 2023, 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)

Prakash Narayan

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