

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47791 of 2022

Arising Out of PS. Case No.-432 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Murari Kumar @ Murari Rai Son of Shri Kedar Rai Resident of Village -
Dighi Khurd Mahto Tola , P.S.- Hajipur Sadar , Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar, Advocate
For the Informant	:	Mr. Amal Kumar Sinha, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 27-02-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/120B of the Indian Penal
Code and Section 27 of the Arms Act.

Allegation against the petitioner is to commit murder
of husband of the informant along with other co-accused persons
by causing firearm injuries.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case only on the basis of suspicion and in fact the
informant is not an eye witness of the alleged occurrence. He
further submits that during investigation one Krishna Kumar has



come and he has claimed that he is an eye witness of the alleged occurrence. Learned counsel for the petitioner further submits that due to previous enmity, Title Suit No. 112 of 2009 was filed by Krishna Kumar against co-accused Shekhar Rai so he became the so-called eye witness. Learned counsel for the petitioner further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner. He further submits that co-accused person namely Shekhar Ray has been granted bail by a Coordinate Bench of this Court vide order dated 05.04.2022 in Cr. Misc. No. 66930 of 2021 and another co-accused namely Bittu Kumar @ Binay has been granted bail by a Coordinate Bench of this Court vide order dated 14.02.2023 in Cr. Misc. No. 45629 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.03.2022.

Learned counsel appearing on behalf of the informant as well as learned APP for the State, on the other hand, have opposed the prayer for bail of the petitioner but fairly submits that during investigation no cogent material has come against the petitioner and also submits that the petitioner carries four criminal antecedents but fairly stated in paragraph-3 of the bail petition that the petitioner is on bail in all the four cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Sadar P.S. Case No. 432 of 2020, with the following conditions :-

(1) 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.

(2) 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.

(3) 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 antecedents, 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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