

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51831 of 2023**

Arising Out of PS. Case No.-96 Year-2019 Thana- AURAI District- Muzaffarpur

Vijay Rai @ Vinay Rai Son Of Harichandar Rai @ Harichandra Rai @  
Harishchandra Rai Resident Of Village Ghanshyampur, P.S- Aurai, Dist-  
Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.N. A. Shamsi, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      17-08-2023                      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  
25.05.2019 in connection with S.Tr.No.532 of 2019(arising out  
of Aurai P.S. Case No. 96 of 2019, F.I.R. dated 30.04.2019  
registered for the offence punishable under Sections 304(B)/34  
of IPC.

3. Learned counsel appearing for the petitioner  
submits that the petitioner has clean antecedent and he has  
falsely been implicated in the present case.

4. Earlier the prayer for bail of the petitioner was  
rejected vide order dated 12.01.2021 passed in Cr. Misc.  
No.29595 of 2020.



5. Learned counsel for the petitioner submits that it appears from the impugned order dated 08.06.2023 that till date only two prosecution witnesses have been examined and in view of the observation made by the learned Trial Court in the impugned order dated 08.06.2023 that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 25.05.2019 more than four years.

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

7. Considering the aforesaid fact and period of custody, 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 Additional Sessions Judge-XII, Muzaffarpur in connection with S.Tr.No.532 of 2019(arising out of Aurai P.S. Case No. 96 of 2019,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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