

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56210 of 2023

Arising Out of PS. Case No.-471 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Suraj Kumar Rai @ Suraj Kumar @ Suraj Ray Son Of Raja Prasad Ray
Resident Of Village - Dighi Kala Paschimi, P.S. - Hajipur Sadar, Distt. -
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No.471 of 2019 registered on
20.07.2019 lodged under Sections 147, 148, 149, 341, 342, 323,
307, 353, 333 and 504 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against 6 named accused persons, including the petitioner and
15-20 unknown accused persons.

4. Counsel for the petitioner submits it has been
alleged in the FIR that a police party, during night patrolling,
got the information that some accused persons were planing to
commit a crime. Then the police party reached at that place and
it has been alleged that the accused persons, both named and
unnamed, attacked on the police party due to which injury

caused to the police party. In that course, the police party arrested 5 persons other than the present petitioner and rest of the persons fled away.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that no offence under Section 307 of Indian Penal Code has been made out as the police party has submitted that the injury caused to them is simple in nature. He also submits that 5 of the accused persons have been granted bail in this case, whereas, the bail of the present petitioner was rejected, only and only due to the reason that he has 10 criminal antecedents. He submits that petitioner is in custody since 17.03.2020, that is about two and a half years have already been lapsed.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No.471 of 2019, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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