

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51155 of 2022

Arising Out of PS. Case No.-47 Year-2019 Thana- CHHAURADANO District- East
Champaran

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DEVENDRA RAI @ DEVENDRA RAY S/o Manager Rai R/o village-
Belachamhi, P.S.- Chhauradano, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjana, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh. APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for

the offence under Sections 147, 148, 149 and 302 of the

Indian Penal Code.

The son of the informant has been assaulted by the

petitioner at his testicle by iron rod on the provocation of co-

accused Manager Rai resultantly he died.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He

further submits that it appears from the F.I.R. that the

petitioner is said to have assaulted the deceased on his



testicles by an iron rod but the postmortem report does not corroborate with the allegation as levelled in the F.I.R. He further submits that several accused persons, namely, Dipendra Rai @ Dipendra Kumar, Raj Kumari Devi @ Ram Kumari Devi along with Kaushalya Devi, Manager Rai have been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. Nos. 1271 of 2019, 26563 of 2019, 39689 of 2019, respectively and Ajay Rai has been granted bail by this Bench vide Cr. Misc. No. 37344 of 2021. The petitioner is rotting in judicial custody since 06.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Chauradano P.S. Case No. 47 of 2019 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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