

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56616 of 2023

Arising Out of PS. Case No.-53 Year-2011 Thana- MUSAHARI District- Muzaffarpur

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Naveen Kumar Rai @ Naveen Rai @ Naveen Kumar S/O Of Late Haribansh
Rai Village Jagdishpur Ps Pusa District Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Adv.

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

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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
Mushahari P.S. Case No. 53 of 2011 dated 11.05.2011 lodged
under Sections 307, 302/34 of the I.P.C. read with Section 27 of
the Arms Act, however, subsequently, Section 386 and 120B of
the I.P.C. were also added.

3. Learned counsel for the petitioner submits that in
the present F.I.R., three different charge-sheets were submitted
bearing Charge-sheet Nos.83 of 2011 dated 12.11.2011 and 23
of 2013 dated 07.04.2013 and 62 of 2013 dated 30.06.2013, but
in none of the charge-sheet, the name of the petitioner had
figured.

4. Counsel further submits that all the charge-sheeted
accused persons were put on trial bearing Sessions Trial No. 721

of 2013 and Sessions Trial No. 337 of 2013 and Sessions Trial No. 10 of 2014. Counsel submits that the final judgment has come on 28.04.2015 jointly for all the three sessions trials mentioned above which resulted into acquittal.

5. Counsel further submits that neither at the level of lodging F.I.R. nor at the level of submission of the charge-sheets nor at the level of Section 319 of the Cr. P.C., the name of the petitioner has figured, but subsequently, all of a sudden, this petitioner was taken into judicial custody by the police on 14.06.2023 being accused in Mushahari P.S. Case No. 53 of 2011.

6. Counsel further submits that there is one antecedent of the petitioner in which he is on bail. He submits that petitioner is a law-abiding citizen and ready to fulfill all the conditions whatsoever shall be imposed upon him.

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

8. 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 Judicial Magistrate, 1st Class,

Muzaffarpur, in connection with Mushahari P.S. Case No. 53 of 2011, 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.

(Dr. Anshuman, J.)

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