

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55317 of 2023

Arising Out of PS. Case No.-408 Year-2020 Thana- MASHRAK District- Saran

Om Prakash Rai @ Om Prakash Kumar @ Om Prakash Yadav S/O Shanker
Rai @ Shankar Dayal Ray R/O Village- Harpur Jan, Ps. Mashrak, Dist. Saran

... .. Petitioner/s

Versus

State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Anju Kumari @ Anju Narain, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 12.06.2023 in connection with Mashrak P.S. Case No. 408 of 2020, F.I.R. dated 18.07.2020 for the offences punishable under Sections 147, 148, 149, 188, 341, 323, 307, 324, 325, 504 and 506 of the Indian Penal Code and later on Section 302 of the IPC was also added.

3. According to prosecution case, due to grazing of paddy field by a goat, free fight took place between the parties, as a result of which both sides sustained injury. Later on during course of treatment, two persons, namely, Rojaddin Miyan and Babuddin Miyan died.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that the present case is the counter blast of Mashrak P.S. Case No. 407 of 2020 filed by the co-accused, namely, Sudish Ray against the informant and his family members. She further submits that from perusal of the F.I.R it appears that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt act attributed against the petitioner. She further submits that similarly situated, co-accused, namely, Bhola Ray, Guddu Kumar Yadav and Nandesh Ray have been granted bail by a co-ordinate Bench of this Court vide order dated 23.12.2020 passed in Cr. Misc. No. 35227 of 2020, co-accused, namely, Subhash Rai has been granted bail by this Hon'ble Court vide order dated 17.01.2022 passed in Cr. Misc. No. 19745 of 2021 and other accused persons have also granted bail by different Co-ordinate Bench of this Hon'ble Court. The petitioner is in custody since 12.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and all the



similarly situated co-accused persons have been granted bail by different Co-ordinate Bench of this Hon'ble Court and there is no acquisition of any assault or overt act attributed against the petitioner, 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 the learned Judicial Magistrate 1st Class, Saran, Chhapra in connection with Mashrak P.S. Case No. 408 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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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