

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55775 of 2022

Arising Out of PS. Case No.-55 Year-2013 Thana- MADHUBAN District- East Champaran

MOHARLAL RAI Son of Late Raj Kumar Rai Resident of village -
Chikaniya, P.S.- Pipra, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307, 452, 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, informant, Raghubir Rai alleged in his fardbeyan that on 18.03.2013 at night when he was sleeping in his house, some miscreants entered the courtyard of the informant and bolted the doors of the rooms in which his sons were sleeping. Miscreants even tried to kill informant but the bullet piercing the right hand of the informant hit at the chin of the informant. At the noise of firing, informant's nephew and son woke up and the said miscreants seeing people awake fled away assaulting the informant. As per



the informant, there was an altercation between his brother Mahavir Rai and his son in which he had taken the side of Mahavir's son-in-law. Moharlal Rai.had threatened of dire consequences as the informant had taken the side of Mahavir's son.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that the petitioner is the brother-in-law of the co-accused. He further submits that there is no allegation of any assault or overt act against the petitioner and it has come in the F.I.R. that the petitioner has fled away from the place of occurrence. He further submits that who had fired upon the informant is not clear from the F.I.R. and the police after investigation submitted the chargesheet against the petitioner and the petitioner is in custody since 24.07.2022.

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

Considering the aforesaid facts and circumstances, 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 Court



below where the case is pending in connection with Madhuban
P.S. Case No. 55 of 2013, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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