

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67301 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- VAISHALI District- Vaishali

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Lal Bahadur Rai Son of Late Jhagru Rai Resident of Village- Majhauri, P.S.-
Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 341, 323, 324,
325, 307, 302, 379 and 504 of the Indian Penal Code and
Section 3/4 of Dyne Act.

According to prosecution case, all the accused persons
including the petitioner came to the informant's house and
started abusing his bhabhi namely, Sushila Devi and when her
son came to rescue her, the petitioner and one co-accused,
namely, Manoranjan Kumar assaulted her son, namely, Rupesh
Kumar on his head by means of iron rod causing injury to him
and oozing out blood due to which he died during treatment.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is direct allegation against the petitioner and the co-accused person, namely, Manoranjan Kumar who assaulted the deceased. He further submits that it is not clear from the F.I.R. that who assaulted the deceased. He further submits that till today charge has not been framed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.07.2021.

Vide order dated 28.11.2022 a report was called with regard to the stage of trial. Report dated 05.12.2022 reveals that the case is pending at the stage of appearance of the co-accused person, namely, Ramkali Devi @ Ramwati Devi.

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

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail after framing of charge 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 Vaishali (Belsar O.P.) P.S.

Case No. 230 of 2020, 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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