

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60329 of 2023

Arising Out of PS. Case No.-126 Year-2019 Thana- RAGHOPUR District- Vaishali

MANJAY RAI @ MANJAY RAY SON OF LATE SOBHIT RAI RESIDENT
OF VILLAGE- SUKUMARPUR, PS- RAGHOPUR (RUSTAMPUR),
DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Narendra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 397 of 2023 arising out of Raghopur (Rustampur O.P) P.S. Case No. 126 of 2019 for the offence under sections 147, 148, 149, 341, 452, 342, 323, 457, 326, 354, 307, 302, 201, 120(B), 504/506 of the Indian Penal Code and section 27 of the Arms Act lodged on 09.09.2019 by the informant, Bhulli Devi.

3. As per the prosecution story, the allegation against three set of accused persons is/are of killing/cutting three persons and cut two of them into pieces.

4. Learned counsel for the petitioner submits that no specific role has been assigned so far as the killing of the informant side is/are concerned, only allegation against him is



that he arrived there and surrounded Ajay Rai.

5. Further, his name has come in the FIR, no role has been assigned to him, he is in custody since 10.07.2023 (as stated in paragraph 15 of the petition). The last submission is that one of the similar placed co-accused Abhishek Ray @ Dhela Ray has since been granted the privilege of bail by this Court in Cr. Misc. No. 29959 of 2023 vide order dated 19.08.2023.

6. Let the same be kept on record.

7. Mr. Narendra Thakur, learned counsel appearing for the informant on the other hand submits that in a matter of 2019, he has now come to judicial custody and further, contrary to the statement made in paragraph 3 of the petition that he has only three criminal antecedent, to his knowledge, he has more than three criminal antecedent.

8. Taking into account the submissions put forward by the parties as also that the similarly situated co-accused person has been extended the privilege of bail, the petitioner being in custody since 10.05.2023 (as stated in paragraph-15 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

9. However, if it is found that he has more than three



cases under his belt , the bail order shall become infructuous.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge -IV, Vaishali, Hajipur, in connection with Raghapur (Rustampur O.P) P.S. Case No. 126 of 2019 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/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

11. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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