

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60038 of 2023

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

=====

NASIB RAI S/O DHURI RAI @ DHURKHELI RAI R/O VILLAGE-
SUKUMARPUR, PS. RAGHOPUR (RUSTAMPUR O.P), DIST. VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Dayanand Singh, Advocate

For the State : Mr Binod Kumar, APP

For the Informant : Mr Mahendra Thakur, Advocate

=====

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard Mr Dayanand Singh, learned counsel for the petitioner, Mr Binod Kumar, learned APP and Mr Mahendra Thakur, learned counsel for the informant.

2 The petitioner is in judicial custody in connection with Sessions Trial No 397 of 2023 arising out of Raghapur (Rustampur OP) PS Case No 126 of 2019 registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 326, 452, 354, 307, 302, 201, 120B, 504, 506 of Indian Penal Code and Section 27 of Arms Act.

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

4 So far as this petitioner is concerned, he is in the



third set of accused persons who took Putul Rai, from the house of Ajay Rai fired at him and later took him near the bank of river, cut him into pieces and threw the same into the river.

5 It is the case of the petitioner that already the said Ajay Rai was an accused in a case lodged by the informant's side and it is unbelievable that a Panchayati was going to be held at his place. Further, the vague allegation has been made against each and every family member of the accused persons which clearly shows mala fide intention of the informant's side.

6 The last submission is that in the third set of people who have killed Putul Rai in which along with this petitioner, Chandan Rai and Sunil Rai have also been named, they have subsequently been extended the privilege of bail by coordinate Benches of this Court in Cr Misc No 18978 of 2020 and Cr Misc No 35176 of 2020 respectively (Annexure 3 series).

7 Mr Mahendra Thakur, learned counsel for the informant, on the other hand, submits that one of the similar placed co-accused Abhishek Ray @ Dhela Ray has been granted bail by this Court in Cr Misc No 29959 of 2023 on 19.08.2023.

8 Let the same be kept on record.

9 It is further submitted by the learned counsel for the informant that though the case is on similar footing, the



petitioner has not come with clean hand inasmuch as in paragraph 3 of the petition, it has been recorded that he is only accused in connection with Raghapur (Rustampur OP) PS Case No 128 of 2020 whereas according to his information, he is accused in couple of more cases.

10 To this, it is the categorical submission of the learned counsel for the petitioner that besides the present case, Raghapur (Rustampur OP) PS Case No 126 of 2019, he is accused in only Raghapur (Rustampur OP) PS Case No 128 of 2020 and the submission put forward by the learned counsel for the informant is incorrect.

11 Learned APP opposes the prayer for bail, though concedes that the case of the petitioner is on same footing as that of co-accused Abhishek Ray @ Dhela Ray, as stated above.

12 Taking into account the submission put forward by the parties, similarly situated co-accused persons granted bail, the petitioner being in custody since 01.07.2023 (paragraph 10 of the petition), this Court is inclined to extend the privilege of bail with conditions.

13 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Additional Sessions Judge IV, Vaishali, Hajipur in Raghopur PS

Case No 126 of 2019 subject to the following conditions:

(i) One of the bailors 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 fortnight for next 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 his 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.

14 If, however, it is found that the statement made in paragraph 3 of the petition that the petitioner is accused in only one case is found incorrect, as pointed out by the learned counsel for the informant, the bail order will become infructuous.



15 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

M.E.H./-

U		T	
---	--	---	--

