

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62142 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- PATEPUR District- Vaishali

DAYANAND RAI SON OF SHRI LAKHAN RAI RESIDENT OF
VILLAGE- BISANPUR KOWAHI, PS- PATEPUR, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Adv. Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Rina Sinha, APP
For the Informant	:	Mr. Srinandan Pd. Singh, Sr. Adv. Mr. Gaurav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned senior counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Patepur P.S. Case No. 78 of 2023 dated 09.04.2023 registered for the offence under Sections 302/34 of the Indian Penal Code.

The petitioner along with his associates are alleged to have assaulted the son of the informant by means of iron rod and danda causing him severe injuries due to which he died during course of treatment in the hospital.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case due to previous dispute



between the parties. He further submits that on bare perusal of the F.I.R., it appears that the F.I.R. is in two parts; in the first part, there is general and omnibus allegation attributed to the accused persons including the petitioner and in the subsequent part of the F.I.R., the specific allegation of assault by means of iron rod on head of the deceased is attributed to the co-accused, Vikash Kumar and no specific allegation of assault or any overt act is attributed against the petitioner. Moreover, co-accused, Rahul Raj @ Rahul Kumar having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 55264 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.07.2023.

Learned counsel for the informant as well as learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material available on record to suggest the involvement of the petitioner in the alleged occurrence but he fairly submits that no specific allegation of assault or any overt act is leveled against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Patepur P.S. Case No. 78 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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