

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62593 of 2022

Arising Out of PS. Case No.-168 Year-2022 Thana- BHAGWANPUR District- Vaishali

Subodh Rai @ Subodh Kumar S/o Late Bachan Rai R/v- Kiratpur Rajaram,
P.S.- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s :	Mr. Atul Chandra, APP
For the Informant :	Mr. Surendra Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, Mr. Surendra Kishore Thakur, learned counsel appearing on behalf of the informant as well as 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 who is in custody since 11.07.2022 in connection with Bhagwanpur P.S. Case No. 168 of 2022, F.I.R. dated 18.07.2022 for the offences punishable under Sections 392/34, 341, 447 and 504 of the Indian Penal Code.

According to prosecution case, all the accused persons



including the petitioner along with 10 unknown persons assaulted the informant and his son by means of rod, lathi, khanti, etc due to which the informant's son sustained injuries and later on the doctor declared him dead.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that from the perusal of the F.I.R., it transpires that altogether 12 named and 10 unknown persons have assaulted the victim. He further submits that there is no specific allegation of assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the postmortem report does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.07.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has not come before this Court with clean hands and petitioner carries two criminal antecedents other than the present one.



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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 168 of 2022, 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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