

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1715 of 2023

Arising Out of PS. Case No.-89 Year-2017 Thana- MANER District- Patna

Horil Rai @ Nagendra Rai Son Of Late Ram Ballam Rai R/O Village-
Mohanpur, P.S.- Maner, District- Patna, At Present Village- Deokuli, P.S.-
Bihata, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
19.04.2020 in connection with S. Tr. No. 286 of 2021 arising out
of Maner P.S. Case No. 89 of 2017, F.I.R. dated 01.03.2017 for
the offences punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons have fired upon the father of the
informant resulting into his death.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that there is direct and specific allegation against the petitioner that he has fired upon the victim and the postmortem report also supports the allegation as alleged in the F.I.R.

7. Vide order dated 13.07.2023 a report was called with regard to the present stage of trial. Report dated 21.07.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner and the other accused persons on 18.04.2022 and till date only two prosecution witnesses have been examined and the case is pending for the examination of rest of the prosecution witnesses.

8. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 19.04.2020 i.e. more than 3 years.



9. Considering the aforesaid facts and circumstances, period of custody as well as report of the learned Trial Court, 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 Additional Sessions Judge 1st, Danapur, Patna in connection with S. Tr. No. 286 of 2021 arising out of Maner P.S. Case No. 89 of 2017, 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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