

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62398 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Jhapas Rai Son of Late Heera Rai, R/V- Dadhpar, P.S- Chiraiya, Dist- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Alok, Adv.
For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ghorasahan P.S. Case No. 41 of 2021, lodged under Sections
147, 148, 149, 302, 120(B) of the Indian Penal Code read with
Section 27 of Arms Act.

As per prosecution case, total 13 persons were made
accused in the present case and as per F.I.R. the pistol was in the
hand of Rajeshwar Rai and Kameshwar Rai. It has been alleged
that 3 accused persons namely Lalbabu Rai, Kameshwar Rai
and Rajeshwar Rai have caught the son of informant and later



on specific allegation is upon Rajeshwar Rai that he shot fired upon the son of informant, due to which he died.

Learned counsel for the petitioner submits that there is nothing specific against the petitioner. He further submits that there are 3 criminal cases pending against the petitioner, in which, he is on bail in all the cases. He also submits that petitioner is in custody since 04.07.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Dhaka, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 41 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates



without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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