

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62956 of 2022

Arising Out of PS. Case No.-249 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Dinesh Rai @ Dinesh Kumar @ Muntun Ray Son Of Hulash Ray R/O
Village- Dighi Khurd, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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
Hajipur Sadar P.S. Case No. 249 of 2020 lodged under Sections
147, 148, 149, 341, 323, 324, 307, 337, 504, 506 of the I.P.C.
read with Section 27 of the Arms Act.

As per the prosecution case, there are in total 17
persons were made accused in the present case. In the F.I.R.
also, the specific allegation against the petitioner Dinesh Rai
and one Ashok Rai that they have started indiscriminate firing
upon the instructions of accused Pinki Kumari, due to which
Manoj Kumar has injured.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that they belong to same village and there is a long pending land dispute are going on between them. Counsel for the petitioner submits that a Title Suit No. 112 of 2019 is pending before the Sub-Judge XI, Civil Court, Vaishali at Hajipur. Counsel further submits that there is a case and counter case for the same date and place of occurrence bearing Hajipur Sadar P.S. Case No. 250 of 2020 filed by the petitioner party, whereas in the present case, in which he is seeking bail is Hajipur Sadar P.S. Case No. 249 of 2020. Counsel further submits that there are 2 criminal cases pending against the petitioner (one in the original application and one by way of supplementary affidavit) in both the cases he is on bail. Counsel further submits that petitioner is in custody since 14.07.2022.

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 Court of the C.J.M. Vaishali at

Hajipur in connection with Hajipur Sadar P.S. Case No. 249 of 2020, 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 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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