

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67173 of 2022

Arising Out of PS. Case No.-114 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

Dinanath Rai @ Dinanath Kumar S/o Laldeo Rai @ Laldeo Ray R/o Village-
Jathui, P.S.- Hajipur Industrial Area, Distt- Vaishali at Hajipur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioner and 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 in a case registered for the
offences punishable under Sections 147, 148, 341, 323, 324,
307, 504 and 506 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, due to some land
disputes, the accused persons started abusing the informant and
his family members and on protest, the accused persons armed
with pistol, started indiscriminate firing upon the informant and
his family members which resulted in gun shot injury to Rahul
Kumar and Sunil Kumar.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner and the co-accused persons indiscriminately fired upon Rahul Kumar and Sunil Kumar. He further submits that due to admitted land dispute, the present occurrence took place. He further submits that there is case and counter case between the parties. He further submits that the injury of the injured persons are not on the vital part of the body. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Indrajeet Kumar @ Indrajit Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.01.2021 passed in Cr. Misc. No. 35155 of 2020. The petitioner is in custody since 01.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending in connection with Hajipur Industrial Area P.S. Case No. 114 of 2020, 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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