

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68961 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- HARSIDHI District- East Champaran

1. TAVREJ RAI SON OF ASH MOHAMMAD RAI R/O VILLAGE-PAITHANPATTI, P.S.- HARSIDHI, DISTRICT- EAST CHAMPARAN
2. SAGIRA KHATOON WIFE OF TAVREJ RAI R/O VILLAGE-PAITHANPATTI, P.S.- HARSIDHI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the I.P.C.

According to prosecution case, there is allegation against the petitioners that they along with other co-accused persons killed the brother of the informant.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioners have not committed any



offence, as alleged in the F.I.R. and there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that there is no allegation of any assault or overt act against the petitioners and similarly situated co-accused persons namely, Mobin Rai @ Bhuvin Rai and others have been granted bail by other co-ordinate Bench of this Court vide order dated 24.02.2023 passed in Cr. Misc. No. 67279 of 2022 and other co-accused namely, Tarjan Khan @ Mohammad Ajharuddin Khan has been granted bail vide order dated 23.03.2023 passed in Cr. Misc. No. 70332 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 28.07.2022.

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

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending, in connection with Harsidhi P.S. Case No. 358 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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