

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68959 of 2022

Arising Out of PS. Case No.-168 Year-2022 Thana- BHAGWANPUR District- Vaishali

NAGESHWAR RAI SON OF SHARYUG RAI R/O VILLAGE- KIRATPUR
RAJA RAM, P.S.- BHAGWANPUR, DISTRICT- VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Niranjan Parihar, Adv.
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP
For the informant	:	Mr. S.K. Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302, 341, 447, 504/34 of the
Indian Penal Code.

According to the prosecution case, the informant
and his family members are said to have been assaulted by
the deadly weapon as a result of which son of the informant
died.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the petitioner has not been named in



the F.I.R. but his name has been transpired in this case during course of investigation merely on the basis of suspicion. He further submits that it appears from the F.I.R. itself that no such allegation of assault or any overt act committed by the petitioner is attributed to him. He also contends that the petitioner was not present at the time of occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Bhagwanpur P.S. Case No. 168 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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