

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5691 of 2023

Arising Out of PS. Case No.-15 Year-2021 Thana- SONEPUR District- Saran

MAHESH RAY Son of Mahendra Rai R/V- Parmanandpur, P.S- Sonpur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 31.08.2022 in connection with Sonpur P.S. Case No.15/2021, F.I.R. dated 07.01.2021, for the offences punishable under Sections 302/34 of the IPC.

According to prosecution case, the petitioner along with two other co-accused persons, namely, Naresh Rai and Mahendra Rai are alleged to have assaulted the deceased by means of lathi due to which he was badly injured and during course of treatment he succumbed to his injury.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the date of occurrence is 04.01.2021 but the present F.I.R. has been



instituted on 07.01.2021, after lapse of three days, without any explanation of delay. He further submits that from bare perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the deceased died due to septic on 06.01.2021 and similarly situated co-accused, namely, Naresh Rai @ Ram Naresh Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 04.07.2022 passed in Cr. Misc. No.71505/2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 31.08.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Chapra, Saran in connection with Sonapur P.S. Case No. 15/2021, 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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