

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72949 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- AKILPUR District- Saran

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GOLU RAI Son of Vijay Rai R/o vill - Salhali, P.S. - Akilpur, distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in custody in connection with Akilpur P.S. Case No. 58 of 2022 for the offence under sections 341, 323, 324, 354(b), 379, 504, 506/34 of the Indian Penal Code and later on section 302 of the IPC added lodged on 02.11.2022 by the informant, Bebi Devi.

3. As per the prosecution story, the specific allegation against Vijay Rai, Sanjay Rai and Pappu Rai are of assaulting and further, allegation is against Pappu Rai of inserting rod in the mouth of Harendra Rai. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that as per the allegation itself, specific allegation has been assigned to the accused persons, the petitioner not being one of them, the only allegation to implicate him is of outraging the modesty of



the informant (Bebi Devi) for which he has already suffered by being in custody since 28.07.2023 (as stated in paragraph 4 of the petition) and do not have criminal antecedent.

5. The further submission is that one of the co-accused Rakesh Kumar @ Rakesh Ray has already been extended the privilege of bail vide Cr. Misc. No. 34143 of 2023.

6. Learned APP opposes the prayer for bail.

7. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that one of the co-accused has since been granted bail, as stated above, he is in custody since 28.07.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Saran at Chapra, in connection with Akilpur P.S. Case No. 58 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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