

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72561 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- KESARIA District- East Champaran

JUDGE RAI @ JAJ RAI S/O Dhrup Rai R/O Village- Sundarpur Malahi
Tola, P.S- Keshariya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.07.2022 in connection with Sessions Trial No. 1121 of 2022
arising out of Kesariya P.S. Case No. 248 of 2021, F.I.R. dated
28.07.2021 for the offences punishable under Sections 302/34
of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, three named co-
accused persons riding a motorcycle fired upon the husband of
the informant and shot him dead. The petitioner and another co-
accused are also stated to be involved in the occurrence and
present on the place of the occurrence on their motorcycle.

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 it appears



from the F.I.R. itself that it is clear that the co-accused namely Munna Kumar and Bipin Kumar were armed with pistol and they have fired upon the husband of the informant and at best the petitioner is the member of mob. He further submits that similarly situated, co-accused, namely, Vikash Kumar @ Shyamnandan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 12099 of 2022 and another co-accused namely, Jailal Rai has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 05.09.2022 passed in Cr. Misc. No. 65680 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.07.2022.

The learned Additional Public Prosecutor for the State 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 12th Additional Sessions Judge, East Champaran at Motihari in connection with Sessions Trial No. 1121 of 2022 arising out of Kesariya P.S. Case No. 248 of 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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