

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.909 of 2023

Arising Out of PS. Case No.-433 Year-2019 Thana- VAISHALI District- Vaishali

RAM NARESH RAI Son of Vijay Rai Resident of Village- Bhagwanpur, P.S.-
Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok,Advocate
For the Opposite Party/s : Mr.Surendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in judicial custody in connection
with S.Tr. No. 20 of 2022 for the offences under Sections 147,
148, 349, 823, 324, 307, 504, 34 and 302 of the of the Indian
Penal Code.

This case was earlier heard and rejected on
07.04.2022 vide Cr. Misc. No. 53893 of 2021.

As per the prosecution story, the informant alleged
that on 23.11.2019, when her husband and 'Devar' had gone to
harvest paddy and were taking meal, the accused persons came
and dismantled her house. Further, upon protest, when the
'devar' and her husband returned, they were attacked by the
petitioner and her husband succumbed to the injuries.

In this case, report was called for and the same has



been received by 19.01.2023, according to which out of 13 charge sheet witnesses, 7 have been examined and 6 are still to be examined.

Learned counsel for the petitioner submits that he has remained in custody since 07.03.2020 (as stated in paragraph 15 of the bail application) and will be diligently appearing in trial and is ready to abide by all the terms and conditions.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that the petitioner do not have criminal antecedent, he has remained in custody for more than two years, this Court is inclined to grant him privilege of bail subject to certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of A.D.J.-X Vaishali at Hajipur in connection with S.Tr. No. 20 of 2022 arising out of Vaishali P.S. Case No. 433 of 2019, subject to the following conditions:

(i) both the bailors should be the family members of the petitioner, who shall provide official documents 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month to mark his attendance till the conclusion of the trial;

(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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

