

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10495 of 2024

Arising Out of PS. Case No.-67 Year-2020 Thana- KALYANPUR District- Samastipur

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Mohan Rai @ Mohan Kumar @ Mohan Kumar @ Rai Son Of Ram Milan Rai
@ Upendra Rai R/O-Govindpur Khajuri, P.S.-KALYANPUR, Distt.-
SAMASTIPUR, Bihar, India

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the State : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Lakshmindra Kumar Yadav, learned
counsel for the petitioner and Mr. Anil Kumar, learned A.P.P. for
the State.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 67 of 2020, FIR dated 07.04.2020 for
the offences punishable under Sections 341, 323, 324, 307, 504
and 34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 28.11.2022 passed in Cr. Misc. No.
42376 of 2022. Thereafter the petitioner again moved before this
Court and the same was dismissed vide order dated 27.06.2023
passed in Cr. Misc No. 72023 of 2022.

4. 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 allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Vide order dated 09.02.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 19.02.2024 reveals that out of ten witnesses, three witnesses have already been examined and seven witnesses (three non-official and four official) are yet to be examined.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 30.08.2022.

7. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case, the report of the learned trial Court as well as period of custody, 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 Additional District & Sessions Judge-IX, Samastipur in connection with Kalyanpur P.S. Case No. 67 of 2020 with the



following conditions:-

(i) 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.

(ii) 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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