

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13394 of 2024**

Arising Out of PS. Case No.-53 Year-2017 Thana- BATHNAHA District- Sitamarhi

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Babu Nandan Rai son of Siyaram Rai Village- Ghoghraha Ps- Sahyara Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-04-2024 Heard Mrs. Madhubala Verma, learned counsel
for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Bathnaha P.S. Case No. 53 of 2017 for the offence punishable under Sections 302/34 of the Indian Penal Code lodged on 2.3.2017 by the informant, Bibha Devi.

3. As per the prosecution story, when the informant alongwith her husband Rajiv Singh (deceased) was going to her matrimonial home from her parental home and when they reached at N.H.-77 where petitioner alongwith other co-accused persons intercepted her husband and gave knife blow with intention to kill him, as a result of which her husband fell down. It has further been alleged that petitioner and co-



accused, Mintu Ray also gave knife blow upon him. Her husband was declared dead during treatment in Sadar Hospital, Sitamarhi. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the allegation is/are mainly against Madhurendra @ Maksudan Rai and Mintu Rai. Madhurendra @ Maksudan Rai remained in custody for more than six years, trial could not be concluded and as such he has been recently granted bail in Cr. Misc. No. 79976 of 2023 on 19.1.2024. He further submits that Mintu Rai too has been granted bail on 17.7.2023 in Cr. Misc. No. 22355 of 2023. His submission is that so far as this petitioner is concerned, omnibus allegation of assault is there, similar situate others against whom omnibus allegation of assault have been incorporated, they too are on bail.

4. Learned APP opposes the prayer stating that he has delayed in coming to the Court.

5. Though, there is delay in coming to the Court, he has remained in custody since 3.10.2023 (para-12 of the petition), as per para-3, he do not have criminal antecedent, others including the main culprit, Madhurendra @ Maksudan Rai and Mintu Rai are on bail, this Court



is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No. 53 of 2017 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 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 month till conclusion of the trial 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.

(Rajiv Roy, J)

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