

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17766 of 2024

Arising Out of PS. Case No.-711 Year-2022 Thana- MANER District- Patna

Babhan Rai @ Kailash Rai S/O- Chaneshwar Rai R/O- Village- Bharamchari
Sobarna, Sherpur, P.S.- Maner, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-06-2024 Heard Mr. Deepak Kumar Sinha, learned counsel
for the petitioner and Mr. Binod Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Maner P.S. Case No. 711 of 2022, F.I.R. dated 03.10.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, due to previous enmity, all the accused persons including this petitioner have fired upon the son of the informant resulting into his death.

4. 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 the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that as per the F.I.R one Kunal Rai has fired upon the son of the informant and thereafter, other accused persons including this petitioner have also fired upon the son of the informant. He further submits that although there is specific allegation against the petitioner but the postmortem report of the deceased does not support the allegation as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Danapur in connection with Maner P.S. Case No. 711 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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