

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28626 of 2024

Arising Out of PS. Case No.-254 Year-2021 Thana- PARSA District- Saran

Binod Kumar Rai @ Vinod Ray S/o Hariram Rai R/o vill - Marar, P.S - Parsa,
Distt. - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the State : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Brij Kishor Mishra, learned counsel for
the petitioner and Mr. Ram Sevak Choudhary, learned A.P.P. for
the State.

2. The petitioner seeks bail in connection with S.Tr.
No. 128 of 2023 arising out of Parsa P.S. Case No. 254 of 2021
registered for the offence under Sections 147, 148, 149, 341,
323, 307, 302 and 325 of the Indian Penal Code.

3. As per prosecution case, in short, is that on
06.07.2021 at about 11:30 A.M. informant's father after
performing his duty came to his house and saw that the accused
persons including the petitioner were taking forcefully
possession of his land and are forcibly constructing their house
when the informant's father made objection for this, then under
order of Hari Ram Ray to kill him, then Jai ram Ray inflicted



bhala blow upon his head and consequently his head cut and fell down and thereafter other persons came and assaulted with lathi, rod and sword. When informant and his brother Bijendra Kumar Ray and grand-father Ram Pukar Ray has come to save the informant's father then they were assaulted by the accused persons. Dinesh Rai assaulted with rod upon leg of the informant's grandfather Ram Pukar Rai and consequently his leg got broken, Arjun Ray assaulted with lathi upon the head of informant's brother Bijendra. All the injured persons went to Government Hospital, Parsa but later on they referred to P.M.C.H. Patna for better treatment where during course of treatment the informant's father died.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that due to the admitted land dispute the present occurrence has taken place. He further submits that there is no specific allegation of any assault or overt act against the petitioner rather specific allegation of assault is attributed against the co-accused person, namely, Jairam Rai, Arjun Rai and Dinesh Rai. He further submits that co-accused person, namely, Hari Ram Ray has already been granted bail by this



Court vide order dated 13.06.2022 passed in Cr. Misc. No. 8565 of 2022, co-accused person, namely, Mukesh Kumar @ Mukesh Rai has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.04.2022 passed in Cr. Misc. No. 22611 of 2022 and co-accused person, namely, Jai Ram Rai has also been granted bail by a Co-ordinate Bench of this Court vide 13.09.2023 passed in Cr. Misc. No. 69127 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 12.02.2024.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 Sessions Judge-XII, Chhapra Distt. Saran in connection with S. Tr. No. 128 of 2023 arising out of Parsa P.S. Case No. 254 of 2021 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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