

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37244 of 2024

Arising Out of PS. Case No.-217 Year-2022 Thana- BARURAJ District- Muzaffarpur

Mintu Rai S/o Ganpat Rai R/o vill - Mataiya, P.S. - Baruraj, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
	:	Mr. Anuj Kumar, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sumit Kumar, Advocate
	:	Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-09-2024 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, Mr. Sumit Kumar, learned counsel for the informant and Dr. Ajeet Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 09.12.2022, in connection with Baruraj P.S. Case No. 217 of 2022, FIR dated 25.09.2022 for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was rejected vide order dated 21.09.2023 passed in Cr. Misc. No. 40405 of 2023.

4. Learned senior counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is brother-in-law (bhaisur) of the deceased. He further submits that the informant is not the eye witness of the alleged occurrence and even no one has seen the present occurrence and merely on the basis of the suspicion and the previous dispute with the husband of the deceased, the present case has been instituted against the petitioner and his family members. The petitioner is rotting in judicial custody since 09.12.2022.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that number of witnesses have supported the case of the prosecution and there is direct and specific allegation against the petitioner and his family members that they have killed the deceased.

6. Vide order dated 27.06.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 03.07.2024 reveals that charge has not been framed as yet against the petitioner.

7. Learned senior 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 09.12.2022.



8. Considering the aforesaid facts as well as report of the learned trial Court and 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 Sessions Judge 16th Muzaffarpur in connection with Baruraj P.S. Case No. 217 of 2022 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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