

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34504 of 2024

Arising Out of PS. Case No.-126 Year-2019 Thana- RAGHOPUR District- Vaishali

Nepali Rai @ Vikash @ Vikash Kumar Rai Son of Munni Lal Rai R/O Vill.-
Sukumarpur, P.S.- Raghapur, Dist.- Vaishali. At Present resident of Mohalla-
Kaimashikoh, P.S.- Chowk, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Bansh Dubey, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 06-09-2024 Heard Mr. Dayanand Singh, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP for the

State.

2. The petitioner is in custody in connection with
S.Tr. No.397 of 2023 arising out of Raghapur (Rustampur
O.P) P.S. Case No. 126 of 2019 for the offence punishable
under sections 147, 148, 149, 341, 342, 323, 457, 326, 354,
307, 302, 201, 120-B, 504 and 506 of the Indian Penal Code
and section 27 of the Arms Act, lodged on 09.09.2019 by the
informant, Bhulli Devi.

3. As per the prosecution story, the allegation
against three set of accused persons is/are of killing/cutting



three persons and two of them into pieces.

4. So far as this petitioner is concerned, he is in the third set of accused persons who took Putul Rai from the house of Ajay Rai fired at him and later took him near the bank of river, cut him into pieces and threw the same into the river.

5. It is the case of the petitioner that already the said Ajay Rai was an accused in a case lodged by the informant's side and it is unbelievable that a Panchayati was going to be held at his place. Further, the vague allegation has been made against each and every family member of the accused persons which clearly shows mala fide intention of the informant's side.

6. Mr. Dayanand Singh, learned counsel for the petitioner submits that even in the third set of people, some of the accused persons have been extended the relief which include Abhishek Ray @ Dhela Rai in Cr. Misc. No.29959 of 2023 vide order dated 19.08.2023, he is in custody since 12.02.2024 (paragraph no.4 to the petition) and the last submission is that if granted bail, shall be diligently appearing in trial.

7. Learned APP opposes the prayer for bail submitting that allegation has been made by the informant's



wife about the killing as also cutting the body into pieces.

8. Though, there is an allegation, considering the aforesaid submissions of the parties as also the taking into account the period of custody and the fact that other accused persons have been extended the relief including Abhishek Ray, this Court is inclined to extend him the privilege of bail.

9. 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 Additional District & Sessions Judge-VII, Vishali at Hajipur, in connection with S.Tr. No.397 of 2023 arising out of Raghapur (Rustampur O.P) P.S. Case No. 126 of 2019, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight 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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