

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38001 of 2024

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

Jai Veeru Rai @ Rakesh Rai, Gender- Male, aged about 36 years, son of Radheyshyam Rai, resident of village- Chakiya Tola Khaspur, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bihta PS Case No. 999 of 2022 dated 29.09.2022, instituted for the offence punishable under Sections 147, 148, 149, 307, 379, 120-B, 160, 216, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant got information that in Sone Diara near Kawariya Ghat firing is going on between two groups to assert supremacy over sand mining. When the informant reached the place of occurrence all of them fled away. Local Chowkidar and villagers disclosed the name of the



persons. In the said incident, four persons were killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that FIR has been lodged against twenty named accused persons and 45-55 unknown persons. The petitioner is not named in the FIR. During investigation, name of the petitioner has come and charge-sheet has been filed in this case. It is also submitted that similarly situated other accused persons have been granted bail vide Annexure-2 series by different co-ordinate Benches of this Court and co-accused Dinesh Ray has been granted bail by this Court vide order dated 23.05.2024 passed in Cr. Misc. No.34695 of 2024. Lastly, it is submitted that the petitioner is in custody since 17.01.2023 and three criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-1, Danapur, Patna, in Bihta PS Case No. 999 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly



represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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