

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37831 of 2024

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

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Jaleshwar Rai S/O Chandeshwar Rai @ Chaneshwar Rai R/O Vill-
Bharamchari Sobna, P.S.-Maner, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Sanjay Kumar Singh, learned counsel for
the petitioner and Dr. Ajeet Kumar, learned APP for the State.

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

3. Allegation against the petitioner is that he along with other co-accused persons were present at the spot and surrounded the deceased and gave order to kill.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather



there is specific allegation of firing attributed against co-accused persons namely Kunal Rai, Bhabhan Rai and Ranjit Rai and as per allegation the petitioner is at best the order giver and he has been falsely implicated in the present case due to previous enmity between the parties. He further submits that other co-accused persons namely Bhuneshwar Rai, Jimendar Rai, Mithilesh Rai, Mukesh Rai, Suresh Rai, Khesari Rai @ Nageshwar Rai, Vijay Rai and Chandeshwar Rai have been granted anticipatory bail on 28.03.2023 by the learned Court below itself vide A.B.P. No. 9373 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act against the petitioner, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur, Patna 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 :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

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(Rajesh Kumar Verma, J)

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