

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39879 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- SRINAGAR District- West Champaran

Virendra Raut Son Of Late Vijay Raut Village- Kohda Bazar Ps- Srinagar
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-10-2024 Heard learned counsel for the petitioner and Mr. Choubey

Jawahar, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Srinagar P.S. Case No. 123 of 2023 instituted for the offence under Sections 302/34 of the Indian Penal Code.

3. Due to dispute arising out of parking motorcycle, brother of the informant was done to death by co-accused persons, including the petitioner, who resorted to assault by means of bamboo *lathi*.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19-09-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case on extraneous consideration and previous dispute. Learned counsel submits that probability of sustaining accidental injury can't be ruled out, especially where the informant herself has stated in the FIR, regarding the factum of falling of her husband. Postmortem report of the deceased also does not corroborate the allegation of assault made by six to seven persons. It is submitted that till date charge is framed in this case and I.O. of the case has been examined. There is no likelihood of the trial being concluded in the near future, hence, petitioner may be enlarged on bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph Nos. 09, 10 & 11 of the case diary, it is submitted that witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge being framed, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Srinagar
P.S. Case No. 123 of 2023, subject to the following
conditions:

(I) One of the bailors shall be own/close member of the
family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on
two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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