

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53005 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- NAYA RAM NAGAR District- Munger

Mukesh Rai @ BagoRai Son of Jyoti Rai R/o- Village- Farda Dih Tola, PS-
Nayaramnagar (Safiasarari), Distt.- Munger, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-09-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. Application for grant of regular bail to the petitioner, who is in custody in connection with Nayaramnagar P.S. Case No.327 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case as narrated in the FIR accuses that the accused persons were indulged in trade of illicit liquor and when the protest was made by the father of the informant, the petitioner wiped out his pistol and fired, however, the bullet did not hit his father. There is further allegation that other accused persons assaulted the father of the informant due to which he sustained injuries.



4. Learned Advocate for the petitioner referring to the FIR contended that even if the allegation taken to be true, it is the fact that no firearm injury has sustained to the father of the informant. During the course of investigation, the police made investigation, however, no case under Section 307 of the IPC is found and accordingly, charge-sheet has not been submitted under Section 307 of the IPC. It is next contended that the other co-accused persons against whom there is allegation of assault, they have been allowed the privilege of anticipatory bail by this Court in Criminal Miscellaneous No.31707 of 2024, the copy of which is marked as Annexure-P/2. The petitioner is in custody since 29.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the injury report suggest that the father of the informant has sustained grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police has not found the case true under Section 307 of the IPC, moreover, the allegation of assault is concerned that has been levelled against other accused persons. The petitioner is in custody since 29.05.2024. Now the investigation of the crime is complete and



the charge-sheet have been submitted, other accused persons have been allowed the privilege of anticipatory bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Munger in connection with Nayaramnagar P.S. Case No.327 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

durgesh/-

U		T	
---	--	---	--

