

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57567 of 2024

Arising Out of PS. Case No.-711 Year-2021 Thana- GARKHA District- Saran

Jeetan Rai Son of Late Sukeswar Rai R/O Vill.- Rampur, Khakhi, Baba ke
Tola, P.s.- Garkha, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2024 Heard Mr. Vijay Kumar Srivastava, the learned
counsel for the petitioner and Mr. Umeshanand Pandit, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 27.03.2023, in connection with Garkha P.S. Case No. 711
of 2021, FIR dated 14.10.2021, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, the informant
Chaukidar alleged that on 14.10.2022 when he was on duty near
Durga Mandir, he saw that the accused persons including the
petitioner are coming towards Durga Mandir riding on two
motorcycles armed with lathi, danda, sword and daab and
encircled the deceased namely, Ajay Rai who was standing near
the shop of Madan Sharma. Co-accused Sujit Rai hit on the neck



of deceased due to which he fell down and thereafter, co-accused Sunil Rai and Ravindra Rai caught the hand of deceased and petitioner hit on the neck of deceased, which caused cut on his neck and due to spill of blood, he died.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and the allegation as alleged, is also fabricated. The petitioner has not been named in the FIR. As a matter of fact, the petitioner is uncle of the deceased and co-accused persons namely, Ravindra Rai, Sunil Rai, Reshu Rai, Sujit Rai and Ramjit Rai who happens to be the own brother of the deceased, Ajay Rai. It is further submitted that before the present occurrence, the deceased had attacked the uncle of the petitioner and on revenge, the present occurrence took place although there is specific allegation that he has assaulted with '*daab*' to the deceased and he has died on the spot.

5. Vide order dated 08.08.2024, a report was called for from the concerned court with regard to the stage of the trial. Vide report dated 31.08.2024, the trial Court reveals that the case is at the stage of prosecution evidence and none of the prosecution witnesses have been examined despite of process by the Court and also notices issued thrice by the learned P.P.



7. Learned counsel for the petitioner submits that in view of the report of the trial Court, the trial is not concluded as yet and the petitioner is in custody since 15.10.2021 (almost three years).

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts, report of the trial Court and the period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned IV Additional Sessions Judge Saran at Chapra in connection with Sessions Trial No. 329 of 2023 arising out of Garkha P.S. Case No. 711 of 2021, subject to the following conditions:

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

(Rajesh Kumar Verma, J)

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