

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63543 of 2024

Arising Out of PS. Case No.-83 Year-2020 Thana- BACHHWARA District- Begusarai

Hirday Rai, Son Of Gita Rai, Resident Of Makra, Police Station - Mokama,
Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bachhawara P.S. Case No.
83 of 2020 registered for the offence punishable under Sections
302, 120(B) and 34 of the Indian Penal Code and 27 of Arms
Act.

3. Based upon the written report the prosecution
alleges that the informant's brother had informed on the mobile
of his neighbour that some unknown criminal has shot him. On
the aforesaid information the informant and villagers searched
him and found his dead body in the field.

4. Learned Advocate appearing on behalf of the



petitioner contended that the name of the petitioner has surfaced in the confessional statement of co-accused Hemant Rai and save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the crime. There is no eye witness to the alleged occurrence, nor during the course of investigation any witnesses have alleged about his complicity. Co-accused Hemant Rai, on whose confession the name of the petitioner surfaced, he has been accorded the privilege of regular bail by this Court in Criminal Misc. No. 14381 of 2021 vide order dated 29.09.2021. Other identically situated co-accused persons whose names have also transpired in the confessional statement, they have also been allowed privilege of regular bail, the copies of which have been brought on record as Annexure 2 series.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner bears two criminal antecedent as has been mentioned in paragraph no. 3 of the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioner is based upon confessional statement and there is no other material coupled with the fact that the person



on whose confession the name of the petitioner has transpired, he has been accorded the privilege of regular bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 83 of 2020, 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)

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