

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58616 of 2023

Arising Out of PS. Case No.-505 Year-2021 Thana- BHAGWAN BAZAR District- Saran

Bhuar Rai @ Nagendra Rai Son Of Late Dhedhar Rai Resident Of Village-
Chhota Brahmpur, Satghrwa, P.S-. Bhagwan Bazar, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-02-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Bhagwan Bazar P.S. Case No.505 of 2021, lodged on
17.10.2021, under Sections 302/120B/34 of the Indian Penal
Code.

3. As per the prosecution, FIR has been lodged against
five named accused persons including the present petitioner.
General and omnibus allegation has been made against all the
accused persons that they have attacked by weapons due to
which the brother of the informant died at the spot itself.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that no specific allegation has been made against anyone rather general and omnibus allegation have been made. Counsel submits that the petitioner is in custody since 02.04.2023 having no criminal antecedent. Charge sheet has already been filed against the petitioner. Counsel further submits that similarly situated co-accused have been granted bail by different coordinate Benches of this Court vide orders dated 12.07.2022, 07.11.2023 and 22.11.2023 passed in Cr. Misc. Nos.15216 of 2022, Cr. Misc. No.71875 of 2023 and Cr. Misc. No.73013 of 2023 respectively.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposed the prayer for bail and submits that death has been caused at the hand of the accused persons including the present petitioner. The injury report fully supports that multiple stabbing took place on the body of the deceased, as such, he may not be granted bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No.505 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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