

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65525 of 2024

Arising Out of PS. Case No.-267 Year-2017 Thana- BHAGWAN BAZAR District- Saran

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Shashi Rai @ Shashi Bhushan Yadav Son of Late Ramji Rai Resident of
Mohalla- Nai Bazar, Behind Sadar Hospital, Chapra, P.S.- Bhagwan Bazar,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bhagwan Bazar P.S. Case No. 267 of 2017 dated 28.07.2017,
instituted for the offence punishable under Sections 147, 148,
149, 341, 323, 332, 333, 307, 353, 436, 427, 504, 115 of the
Indian Penal Code, Section 27 of the Arms Act and Section ¾ of
the Prevention of Public Property Act.

3. The prosecution case, in short, is that the petitioner
along with other accused persons is said to have blocked NH 19
road near Daroga Rai Chowk on 27.07.2017 by keeping dead
body of the accused, namely, Guddu Rai in mid of the road. It is
further alleged that they also assaulted the police force by means
of lathi, danda, iron rod, sword, stone, brick, glass bottle and
bamboo. They also damaged and burnt police motorcycle as
well as other Government properties.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the informant has alleged in his written report that one, Guddu Rai was in police custody in Daudpur P.S. Case No. 143 of 2017. He became ill and subsequently died during treatment in PMCH. Thereafter, the villagers started agitation and also obstructed the traffic causing road jam and demanded compensation. As such, there is general and omnibus allegation against the accused persons in the written report. It is also submitted that there is general and omnibus allegation against 300-400 persons. It is further submitted that petitioner has no concern with the deceased Guddu Rai. It is submitted that similarly situated persons have been granted bail vide Annexure-2 series. Lastly, it has been submitted that he has three criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bhagwan Bazar P.S. Case No. 267 of 2017, he shall be released on anticipatory bail



upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

- 1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- 3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. 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.

(Khatim Reza, J)

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