

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67378 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- RAJPUR District- Buxar

AWANISH RAI, S/o KAMLESH RAI, R/o Village- Sonpa, P.S.- Rajpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate.

For the Opposite Party/s: Mr.Ajay Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

2. Petitioner seeks regular bail in connection with Rajpur P.S. Case No. of 206 of 2024 registered for offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 308(5), 49, 352, 351(1) and 351(3) of the Bhartiya Nyay Sanhita, 2023 and 27 of the Arms Act.

3. As per the allegation made in the FIR, the petitioner along with nine named accused persons along with 8-10 unknown persons armed with various weapons came at the land of the informant. The petitioner is said to be member of the unlawful assembly.

4. Learned counsel appearing on behalf of the



petitioner submitted that both the parties are agnates and there is on-going land dispute between them. The allegation of assaulting the informant is against co-accused Sardendu Kumar Rai and the petitioner only happens to be member of the unlawful assembly. The petitioner has been roped in the present case due to enmity and he is in custody since 29.07.2024. On these grounds, the petitioner seeks to be released on bail.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the nature of allegation made in the FIR, as well as, the fact that the petitioner only happens to be member of unlawful assembly and he is in custody since 29.07.2024, I am of the opinion that the petitioner has, prima facie, made out a case to be released on bail.

7. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Buxar in connection with Rajpur P.S. Case No. of 206 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) **The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

mantreshwar/-

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

