

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67224 of 2023**

Arising Out of PS. Case No.-25 Year-2019 Thana- PANDARAK District- Patna

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Anil Rai @ Anil Yadav Son Of Jagdish Yadav @ Jagdish Prasad Resident Of  
Village-Dargahi Tola, Ps- Pandarak, Distt- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anil Chandra, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

6      12-07-2024                      Heard Mr. Anil Chandra, learned counsel appearing  
on behalf of the petitioner and Mr. Ajay Kumar Jha, learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Pandarak P.S.Case No.25 of 2019 for the offences punishable  
under Sections 341, 323, 504, 506, 363 & 365/34 of the Indian  
Penal Code and Section 27 of the Arms Act.

3. Learned counsel appearing on behalf of the  
petitioner informs that earlier the bail application of the  
petitioner was rejected, vide order dated 22.08.2022 passed in  
Cr. Misc. No.64672 of 2021 considering the information given  
in paragraph no.3 of the bail application in respect of the  
criminal antecedent of the petitioner, who is involved in  
altogether ten cases, in which he is on bail.

4. The prosecution story, in brief, is that due to some



altercation over crop damage, Shtrudhan Rai and Manoj Rai assaulted the brother of the informant. When the informant and his father reached there, accused persons abused and assaulted them. The informant managed to flee away from the place of occurrence, but his father was caught by Anil Rai, Dharo Rai, Daya Nand Rai, Biro Rai and Shravan Mahto and five other unknown persons and since then his father is traceless.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is named in the FIR, however, allegation under Section 363 and 365 of the IPC is not made out against him. He further submitted that the alleged incident had taken place in the evening and there is means of identification. In fact, no such occurrence had taken place on the spot and the entire story story is concocted one. The petitioner is in custody since 27.03.2021. Learned counsel further informs that the report was called for in respect of the stage of the trial from the district court and it appears from the report that only one witness was examined as on 05.01.2024 out of four witnesses. Learned counsel further submitted that mere pendency of the criminal case against the petitioner will not affect the merit of the present case considering the fact that for similar allegation co-accused Dharo Rai @ Dharmendra Kumar



was released on bail, vide order dated 15.12.2023 passed in Cr. Misc. No.77591 of 2023 and Shravan Mahto vide order dated 31.03.2022 passed in Cr. Misc. No.49228 of 2021.

5. Considering the aforesaid information, as well as, the fact that the petitioner has remained in custody for nearly three years and four months and the trial is at the very early stage, I find it proper that the district court is required to obtain certain information from the concerned Jail Superintendent in respect of the conduct of the petitioner and if it is found that the petitioner has maintained all the dignity in the custody, the petitioner is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Abhinash Kumar, J.M. Ist Class, Barh, District Patna in connection with Pandarak P.S.Case No.25 of 2019, subject to condition that the petitioner must file his personal undertaking before the district court that he will not indulge in any criminal act in future and similar undertaking is also required to be filed issued by the Mukhiya of the concerned Gram Panchayat.

**(Purnendu Singh, J)**

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