

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79563 of 2023

Arising Out of PS. Case No.-223 Year-2013 Thana- RAJPUR District- Buxar

Rajnish Rai @ Chandan Rai S/O Subhash Chandra, R/o Village- Dihri, PS-
Rajpur, Distt.- Buxar (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ankit Katriar, Advocate
For the Opposite Party : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 09-08-2024 Learned counsel for the petitioner seeks some adjournment in the present case, however, Court has rejected the prayer of the petitioner.

2. Heard Mr. Ankit Katriar, the learned counsel for the petitioner and Mr. Rajendra Singh, the learned Additional Public Prosecutor for the State.

3. Petitioner seeks regular bail who is in custody since 24.05.2018, in connection with Rajpur P.S. Case No. 223 of 2013, FIR dated 24.11.2013, registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and under Section 27 of the Arms Act.

4. Earlier the bail petition of the petitioner was rejected vide order dated 27.07.2015 passed in Cr. Misc. No.



29232 of 2015. Thereafter, the petitioner again moved for bail which was rejected vide order dated 25.06.2020, passed in Cr. Misc. No. 70197 of 2019. Subsequently, the petitioner again moved for bail before this Hon'ble Court in Cr. Misc. No. 30065 of 2021, which was also rejected vide order dated 17.01.2022.

5. According to the prosecution case, while the brother of the informant namely, Agnidev Rai and one Srinath Adhish @ Pandit were going to Sayar village from Dihri village through a boat, the co-accused persons opened fire upon them, resulting in the death of both Agnidev Rai and Srinath Adhish @ Pandit.

6. Learned counsel for the petitioner submits that from bare perusal of the order dated 17.01.2022, the Court has called for report from the learned trial Court and report of the learned trial Court reveals that five prosecution witnesses, including the informant have been examined and three witnesses are yet to be examined. He further submits that the stage of trial is as it is, as on 17.01.2021.

7. Vide order dated 04.07.2024, a report was called for with regard to the stage of the trial and report dated 11.07.2024 of the learned trial Court reveals that out of ten chargesheeted witnesses, eight witnesses have been examined



and case is pending for the examination of the remaining two witnesses.

8. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.05.2018, more than six years.

9. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one, however, he fairly admits on the basis of paragraph no. 3 of the bail petition that petitioner is on bail in all the pending matters.

10. Considering the aforesaid facts and circumstances, the report of the learned trial Court as well as petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty-five thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Session Judge-V, Buxar, in connection with **Rajpur P.S. Case No. 223 of 2013**, subject to the following conditions:

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



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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