

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80435 of 2024

Arising Out of PS. Case No.-33 Year-2012 Thana- GANGABRIDGE District- Vaishali

Bhulla Rai Son of Lal Mohan Rai Resident of Village-Shahpur , PO Jarua PS
Ganga bridge , Distt- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Choudhary, Adv.
		Ms. Smita Kumari, Adv.
For the Opposite Party/s :		Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No. 33 of 2012 instituted for the offences
under Sections 147/148/323/325 and 302 of the Indian Penal
Code.

3. The petitioner has earlier moved before this Court in
Cr. Misc. No. 8205 of 2017 which was disposed of on
15.03.2017, granting bail to the petitioner.

4. The present one is a case of misuse of grant of bail
to the petitioner.

5. As per prosecution case, the accusation against the
accused persons including the petitioner is of assaulting the



Informant's father by means of iron rod over his head due to which he sustained grievous head injury. Thereafter, the Informant's father was taken to Sadar Hospital, Hajipur and, from there, he was referred to P.M.C.H., Patna where he died in course of treatment.

6. Learned counsel for the petitioner submits that earlier the petitioner was granted regular bail by this Hon'ble Court in Ganga Bridge P.S. Case No. 33 of 2012 in Cr. Misc. No. 8205 of 2017 vide order dated 15.03.2017. Learned counsel for the petitioner further submits that due to continuous absence for 12 dates, the bail bond of the petitioner was cancelled and non-bailable warrant was issued on 17.01.2019 by Additional Chief Judicial Magistrate-IX, Hajipur, Vaishali. Learned counsel for the petitioner further submits that actually the petitioner went out of his house to earn his livelihood and the Advocate Clerk stopped representing him due to which his bail bond was cancelled. The charge sheet was submitted on 05.09.2016. The petitioner has not misused the bail intentionally. The petitioner has surrendered on 15.04.2024. Learned counsel for the petitioner undertakes that the petitioner shall neither abscond nor tamper with the evidence if he is released on bail. Charge-sheet has been submitted in this case but, the charge has not



been framed as yet. The petitioner is also ready to abide by all the conditions as imposed by this Hon'ble Court while granting bail to the petitioner.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that petitioner is named in the F.I.R. and the allegation alleged against him is serious in nature. The petitioner has intentionally misused the privilege of grant of bail and, hence, he does not deserve bail

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the undertaking given by the learned counsel for the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ganga Bridge P.S. Case No. 33 of 2012, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

