

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1171 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- KANTI District- Muzaffarpur

Ujala Rai @ Ujjwal @ Ujala @ Ujjwal Rai @ Ujjwal Kumar Son Of Late
Dinesh Rai Village_Madhuban Ward No 13 P.S_Kanti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2024 Heard Mr. Vijay Kumar, learned counsel for the
petitioner and Ms. Sharda Kumari, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.02.2023 in connection with Kanti P.S. Case No. 112 of 2023,
F.I.R. dated 09.02.2023 for the offences punishable under
Sections 302, 120B of the Indian Penal Code and Section 27 of
the Arms Act.

3. According to prosecution case, all the accused
persons including this petitioner have shot dead the son of the
informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case merely on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence and except the confessional statement of the co-accused person as well as of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the arms has been recovered from the possession of the petitioner and other accused person and it has come during investigation that the place of occurrence has not been identified by the witnesses. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Prabhat Kumar @ Chhotu against whom there is similar allegation has been granted bail by this Court vide order dated 12.09.2023 passed in Cr. Misc. No. 45376 of 2023. The petitioner is in custody since 11.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph nos. 17 and 18 of the case diary that the petitioner was involved in the present occurrence and apart from that the petitioner carries five criminal antecedents other than the present one but fairly



submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in three cases out of five.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, (West), Muzaffarpur in connection with Kanti P.S. Case No. 112 of 2023, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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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