

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2564 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Suresh Rai Son of Rajdev Rai Resident of Village- Mehsaul, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Rudal Singh, learned counsel for the

petitioner and Mrs. Suman Kumari Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with G.R. No. 68 of 2023 arising out of Runnisaidpur P.S. Case No. 19 of 2023, F.I.R. dated 12.01.2023 registered for the offences punishable under Sections 307, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The petitioner is alleged to have committed conspiracy and engaged other persons for committing murder of the informant and they attempted to commit murder of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case and there is case and counter case between the parties. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation of firing against co-accused persons namely Deepak Kumar and Murari Shahi and the allegation against the petitioner is that he committed conspiracy in the present occurrence and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Ramdaun Shahi has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 15.02.2024 in Cr. Misc. No. 4008 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with G.R. No. 68 of 2023 arising out of Runnisaidpur P.S. Case No. 19 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

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

(3) 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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