

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8476 of 2025

Arising Out of PS. Case No.-34 Year-2011 Thana- RAGHOPUR District- Vaishali

Manohar Rai, Son of Munshi Lal Ray, Resident of Village - Bahrapur, P.O. -
Saistapur, P.S. - Raghobpur (Rustampur), District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate with Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Raghobpur (Rustampur) P.S. Case No. 34 of 2011 dated 25.04.2011 instituted for the offence punishable under Sections 147, 148, 149, 323, 379, 364, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner and other accused persons is of assaulting the informant and kidnapping the informant's brother, namely, Bambhola Rai. Subsequently, some parts of the dead body were recovered, but the D.N.A. report does not confirm positive.

4. Mr. Ramakant Sharma, learned senior counsel for



the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner further submits that F.I.R. has been lodged against 30 named accused persons. There is no specific allegation against the petitioner rather the allegation against the petitioner is general and omnibus. It is further submitted that three persons from the petitioner's side were killed by the informant's side, for which Raghapur P.S. Case No. 33 of 2011 was lodged. In retaliation, the informant lodged the instant false case against the petitioner and others. Learned counsel for the petitioner further submits that six progress reports of the Supervising Authority has found the case true against unknown persons. Seventh progress report issued by the Superintendent of Police, Vaishali has found the case true against 14 named accused persons including the petitioner. Learned senior counsel for the petitioner also submits that charge has already been framed. Similarly situated co-accused persons have been granted bail vide order dated 16.03.2020, 22.03.2013 & 04.04.2017 passed by different co-ordinate Benches of this Court in Criminal Miscellaneous Nos. 77123 of 2019, 8979 of 2013 & 1406 of 2017 respectively. Lastly, it has been submitted that the petitioner is in custody since 02.07.2024 having seven criminal



antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Vaishali at Hajipur in connection with Raghapur (Rustampur) P.S. Case No. 34 of 2011, subject to the 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his



release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner shall appear before the S.H.O. of the Police Station of his local area along with a copy of this order in the first week of each month till the framing of charge in the case by the court below.

(Khatim Reza, J)

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