

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23471 of 2025

Arising out of PS. Case No.-56 Year-2024 Thana- AWTARNAGAR District- Saran

Rajan Rai, S/o Late Basawan Ray, R/o Vill - Jhaua Tola, P.S.- Awatar Nagar,
Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Awatar Nagar P.S. Case No. 56 of 2024 instituted for the offences under Section 302/34 of the Indian Penal Code. He has three criminal antecedents, i.e., (i) Awatar Nagar P.S. Case No. 86 of 2017 under Sections 341, 323, 324, 379 and 34 IPC (ii) Awatar Nagar P.S. Case No. 38 of 2021 under Sections 147, 148, 149, 341, 323, 324 and 504 of IPC and (iii) Awatar Nagar P.S. Case No. 189 of 2021 under Sections 341, 323, 324, 379, 354, 504, 506 & 34 IPC and he is on bail in all three cases.

3. The allegation against the petitioner is that on 12.03.2024 while laying the pipe for watering his field there was scuffle between the accused persons and the informant and at



05:30 Hours the named accused persons including this petitioner are said to have assaulted the informant and his parents, wife and his sister-in-law with lathi and danda. It is further alleged in the FIR that the petitioner and Bhola Rai had assaulted the father of the informant by bricks and danda and they also pressed the neck of the father of the informant who died on the spot.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to old dispute between the parties. Learned counsel for the petitioner has also drawn attention of this Court towards the post-mortem report wherein ante-mortem injury was only 'abrasion on both knee of size 1/2" x 1/2' and the Doctor has reserved the opinion regarding cause of death as such the allegations levelled against the petitioner is falsified from mere perusal of the post-mortem report. It is further submitted by learned counsel for the petitioner that there is general and omnibus allegation against the petitioner even if the FIR is taken on its face value. It is lastly submitted by learned counsel for the petitioner that the petitioner has three criminal antecedents but he is on bail in all three cases and the petitioner is in custody since 03.12.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and



has submitted that there is specific allegation against the petitioner to have assaulted the informant and his parents, wife and his sister-in-law with lathi and danda as such he should not be released on bail.

6. Considering the aforesaid submissions of respective counsel and taking into account the fact that the post-mortem report does not support the allegations levelled against the petitioner and the petitioner is in custody since 03.12.2024, the petitioner above named, is directed to 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 the concerned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 56 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the



bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except the above-mentioned cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these three cases, 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 the same or in the name of verification.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Saran within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After re-



porting to the Superintendent of Police, a certificate will be
filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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