

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38952 of 2025

Arising Out of PS. Case No.-80 Year-2017 Thana- PANDARAK District- Patna

Hemant Rai @ Hemansh Rai Son of Late Raj Kumar Rai Resident of Village
- Chamtha Gop Tola, P.S.- Bachhwara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2025 Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner and Mr. Kumar Veerendra Narayan, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.05.2022 in connection with S.Tr. No. 390 of 2024 arising out
of Pandarak P.S. Case No. 80 of 2017, F.I.R. dated 16.09.2017
for the offences punishable under Sections 147, 148, 353, 307 of
the IPC and 25(1-b)a, 26 and 27 of the Arms Act.

3. According to prosecution case, the petitioner along
with other co-accused persons are said to have made around 75
rounds firing on the police party and escaped from there and
thereafter, weapons have been recovered which belongs to
miscreants.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case and the trial has not been progressed as yet. It is further submitted that co-accused person, namely, Manoj Rai has been granted privilege of regular bail by a co-ordinate Bench of this Hon'ble Court vide order dated 16.05.2025 passed in Cr. Misc. No. 29535 of 2025. It is further submitted that more than 150 rounds have been fired from both sides, the police identified one of the accused as petitioner and he was arrested on the spot.

5. Earlier, the bail petition of the petitioner has been rejected vide order dated 13.04.2023 passed in Cr. Misc. No. 60211 of 2022. Thereafter, he again moved before this Court in Cr. Misc. No. 55223 of 2023 but the same was withdrawn vide order dated 01.09.2023 with the liberty to move before the learned Trial Court. Thereafter, the petitioner again moved before this Court in Cr. Misc. No. 13406 of 2024 but the same was rejected vide order dated 20.09.2024.

6. Vide order dated 02.07.2025, a report was called for with regard to the present stage of trial. Report of the learned Trial Court dated 29.07.2025 reveals that the charge has been framed against the petitioner and out of eight chargesheet witnesses, only one witness has been examined as yet.



7. Learned counsel for the petitioner referring to the report of the learned Trial Court submits that the trial is not likely to be concluded in near future, similarly situated co-accused person has been granted privilege of regular bail by a co-ordinate Bench of this Hon'ble Court vide order dated 16.05.2025 passed in Cr. Misc. No. 29535 of 2025 and the petitioner is in custody since 25.05.2022.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that the petitioner carries fifteen more cases 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 the pending matters.

9. Considering the aforesaid facts and circumstances, report of the learned Trial Court, co-accused person has been granted privilege of regular bail by a co-ordinate Bench of this Hon'ble Court and period of custody, 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 A.D.J.-IV, Barh, District-Patna in connection with S.Tr. No. 390 of 2024 arising out of



Pandarak P.S. Case No. 80 of 2017, 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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