

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80648 of 2024

Arising Out of PS. Case No.-301 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Wakil Rai @ Wakil Ray, Son of Late Raghuveer Rai, Resident of Village -
Mathiya Bariyarpur, P.S.- Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Adv.
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Dhandev Kumar, Adv.
		Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 31-01-2025 Heard Mr. Madhurendra Kumar, learned counsel
appearing for the petitioner, Mr. Umanath Mishra, learned APP
appearing for the State and Mr. Dhandev Kumar, learned
counsel appearing for the informant.

2. Petitioner seeks regular bail in connection with
Sessions Trial No. 1254 of 2023 arising out of Piprakothi P.S.
Case No. 301 of 2022 for the offences punishable under sections
341, 323, 324, 325, 307, 504 and 506 read with section 34 of the
Indian Penal Code.

3. The main submissions advanced by learned counsel
for the petitioner are that this is the second attempt of the
petitioner to get the relief of regular bail as his earlier bail
prayer was rejected by this Bench vide order dated 30.08.2023



passed in Cr. Misc. No. 54856/2023 and the fresh grounds taken by the petitioner in this petition are his long custody period and the examination of material prosecution witnesses in his trial. It is further submitted that the petitioner has fair and clean antecedent and has been languishing in jail since 19.04.2023 and all the material prosecution witnesses except official witnesses and some hearsay witnesses have been examined and the release of the petitioner on bail at this stage will not adversely affect the prosecution. It is further submitted that though the petitioner approached the Hon'ble Apex Court for getting the relief of bail after the rejection of his first attempt by this Court and his prayer was rejected by the Hon'ble Apex Court considering the custody period of the petitioner at that time as well as the nature of allegation but now new circumstances are available, particularly, with regard to the petitioner's long incarceration period as well as the examination of material prosecution witnesses.

4. Though learned APP as well as learned counsel appearing for the informant has opposed the bail prayer of the petitioner but fairly accepted that all the material prosecution witnesses have been examined and only the official witnesses and some hearsay witnesses are to be examined.



5. Considering the aforesaid submissions and mainly taking into account the petitioner's custody period which has been more than one and a half year, and also, release of the petitioner on bail will not affect the prosecution as the material prosecution witnesses have been examined as per above submission, so, this Court is now inclined to grant the relief of regular bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial No. 1254 of 2023 arising out of Piprakothi P.S. Case No. 301 of 2022 on the following conditions :-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(ii) If the petitioner tampers with the evidence or the witnesses then the prosecution will be at liberty to move for cancellation of bail.



(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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