

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79786 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- BACHHWARA District- Begusarai

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Hariar Rai S/o Late Nathuni Rai @ Subelal Yadav R/o vill - Chamtha, P.S.-
Bachhwara, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Rina Sinha, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 343 of 2023 instituted for the offences
under Sections 147, 148, 149, 307, 384, 420, 120B, 34 of the
Indian Penal Code.

3. Prosecution case, in short, is that while the
informant, his nephew and his neighbour were ploughing the
field of the informant, co-accused persons came there and
started firing indiscriminately and several bullets were fired,
which passed from the side of their forehead and other body
parts. It is also alleged that an unknown miscreant demanded



extortion money to the tune of Rs. 5,00,000/- from the informant over mobile phone and also threatened to kill him. It is also alleged that one 'Sanjay Kumar Singh' and one 'Mukesh Kumar' along with his brother, 'Krishna Mohan Singh' hatched a conspiracy and fraudulently transferred the land of the informant to the accused persons.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is land dispute between the parties. The co-accused person has already been granted bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 27213 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.09.2024 and has six criminal antecedents, out of which he has been acquitted in three cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, no direct allegation against the petitioner as also the



period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bachhwara P.S. Case No. 343 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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