

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80301 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- MAHINDWARA District- Sitamarhi

Sudhir Rai @ Sudhir Ray S/O Premlal Ray Resident of village - Bulandpur,
P.S- Mahindwara, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Mahindwara P.S. Case No. 77 of 2024 for the offence under Sections 386, 302 and 34 of the I.P.C. and Section 27 of the Arms Act lodged on 21.06.2024 by the informant, Krishna Kumari.

3. As per the prosecution story, the informant who is widow of the deceased alleged that her husband was running a C.S.P. Centre and on the fateful day, the accused persons including this petitioner armed variously came and demanded money (extortion). Later, it is alleged that Manikant Rai, Rakesh Rai and Saroj Rai opened fire causing injury. Though he was taken to Maa Janki Hospital, Muzaffarpur, was declared dead. Accordingly, the FIR.



4. It is the case of learned Senior Counsel that the FIR clearly shows that the allegation mainly is against Manikant Rai, Rakesh Rai and Saroj Rai and just to make the net wider and in the background of the fact that the petitioner is having criminal antecedent, his name has also cropped up. He is in custody since 14.08.2024 and one Radhamohan Rai has been granted anticipatory bail though on the ground that he is/was 82 years old person.

5. Learned APP though opposes the prayer submitting that the allegation mainly is against Manikant Rai, Rakesh Rai and Saroj Rai.

6. Taking into account the aforesaid facts as also that the allegation of opening fire is on Manikant Rai, Rakesh Rai and Saroj Rai, though petitioner is having criminal antecedent, he has remained in custody since 14.08.2024. FIR is there, charge-sheet has been submitted, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi in connection with Mahindwara P.S. Case No. 77 of 2024 to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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