

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19587 of 2015

Arising Out of PS.Case No. -113 Year- 2014 Thana -GOPALPUR District- GOPALGANJ

- =====
1. Nand Kishore Rai son of Late Nathuni Rai resident of Village- Sonhula Gokhul, P.S. Gopalpur, District- Gopalganj.
 2. Dadan Sah son of Late Gopal Sah resident of Village- Dharmpur, P.S.- Gopalpur, District- Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-06-2015 Heard both sides.

The petitioners seek bail in a case under Section 302 and other sections of the Indian Penal Code and 27 of the Arms Act.

The informant, son of the deceased, named four persons, namely, Raj Kishore Rai @ Munna Rai, Manoj Rai, Nand Kishore Rai and Dadan Sah and alleged that they came on two motorcycles. Raj Kishore Rai fired at the head of the father of the informant. Nand Kishore Rai, petitioner no.1, is alleged to have fired but his shot did not hit the deceased. There is no allegation of firing against petitioner no.2 Dadan Sah.

Learned counsel for the petitioners submits that Nand Kishore Rai is alleged to have fired but his shot did not hit the

deceased and he has not assaulted the deceased. Only Raj Kishore Rai is the assailant.

Learned counsel for the informant, on the other hand, submits that the accused persons were running after the life of the deceased and they all actively participated in the crime.

Having considered the fact that Raj Kishore Rai fired which hit on the head of the father of the informant, Nand Kishore Rai, petitioner no.1, is also alleged to have fired but his shot did not hit the deceased and Dadan Sah, petitioner no.2, is alleged to have made no firing, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in connection with Gopalpur P.S.Case No. 113 of 2014.

(Prabhat Kumar Jha, J)

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