

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5967 of 2015

Arising Out of PS.Case No. -71 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Suraj Rai S/O Late Rajendra Rai Resident of vill-Khajuatta,P.S+Distt-
Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-03-2015 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks bail in Vaishali P.S. Case No. 71 of
2014, registered for the offences punishable under Sections 302
and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that her husband was sleeping in
the Bathan, but she heard sound of firing and saw three persons
Suraj Rai the petitioner, Sone Lal Rai and Raju Rai fleeing away
from the place of occurrence.

Learned counsel for the petitioner submits that the
occurrence is said to have taken place at about 01:00 A.M. in the
night. The police came in the morning prepared the inquest report
and sent the dead body for post-mortem, but by that time the



informant did not lodge the case. It is further submitted that the petitioner has got no enmity. Earlier brother of the petitioner was killed and the deceased was one of the witnesses in the aforesaid case, therefore, the allegation that the occurrence took place on account of non-deposing of the deceased in the murder case of the brother of the petitioner is palpably false as the deceased had already deposed. It is further submitted that one firearm injury was found, but three persons are seen fleeing away from the place of occurrence. The petitioner is in jail since 31.08.2014.

On the other hand learned counsel for the informant submits that the petitioner and other co-accused persons were seen fleeing away from the place of occurrence. There is one firearm injury on the body of the deceased.

It appears that the informant saw the petitioner and other two accused persons fleeing away from the place of occurrence having country made pistols in their hands, but only one firearm injury was found on the chest of the deceased another is wound of exit. As the sons and other family members of the informant have disclosed that they came to know about the occurrence from the informant.

Considering the facts aforesaid I find that the petitioner deserves bail. Accordingly, the same is allowed. The petitioner

above named is directed to be enlarged 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 71 of 2014.

(Prabhat Kumar Jha, J.)

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