

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31138 of 2015**

Arising Out of PS.Case No. -143 Year- 2004 Thana -GHORASAHAN District-  
EASTCHAMPARAN(MOTIHARI)

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1. Ramesh Rai Son of Rambilash Rai resident of village - Dhum Nagar,  
Police Station - Ghorasahan, District - East Champaran at Motihari

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

3      04-11-2015      Heard the learned counsel for the petitioner as well as  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 147, 148, 149, 323, 324, 307, 504 and  
302 of the I.P.C

The allegation against the petitioner is that he, Ram  
Bilash Rai and Suresh Rai opened fire which did not hit Ramnath  
Rai and hit his daughter Priyanka Kumari aged five years who  
during treatment died.

Submission is of false implication and that due to land  
dispute there was free fight between the parties, no offence under  
section 302 I.P.C. is made out, the allegation is omnibus against



three persons, the petitioner is handicap person having only one hand and it is not possible to take part in such occurrence, none of the independent witnesses have supported the allegation. Ram Bilash Rai having similar allegation has been allowed bail vide Cr. Misc. No. 17961 of 2006 by order dated 14.08.2006 and other co-accused have also been allowed bail and during trial the witnesses have not supported the case and they have been declared hostile. The petitioner is suffering in custody since 18.05.2015 and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that similarly situated co-accused Ram Bilash Rai has been allowed bail and as submitted the petitioner is handicap and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-XI, East Champaran at Motihari in Sessions Trial No. 356 of 2013 arising out of Ghorasahan P.S. Case No. 143 of 2004, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial

and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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