

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 5730 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -BAIKUNTHPUR District- GOPALGANJ

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Sudish Kumar @ Sudish Rai, Son of Kishun Rai, resident of Village
Faizullahpur, police Station Baikunthpur, District Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Najmul Hoda, Advocate

For the Opposite Party : Mr. B.N. Pandey (APP)

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

4 01-04-2016 Heard learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Baikunthpur P.S Case No. 175 of 2015 registered for the offences
punishable under Sections 341, 323, 324, 307/34 and 302 of the
Indian Penal Code and Section 27 of the Arms Act .

Allegedly, the petitioner and other co-accused came
in their house which was objected by the informant and his
brothers namely, Mukhtar Rai and Shankar Rai, resulting four
accused persons ran with *Lathi*, *Danda* and *Nalkatua* wherein,
petitioner and Anil Rai opened fire and Kishun Rai and Vikash
Kumar started assaulting with *Lathi* and *danda*, resulting the
informant became injured and his brother Mukhtar Rai also

received injury.

Submission is of false implication and that there is case and counter case, the informant and his brothers were aggressors, during investigation and supervision, it was found that no fire arm was used in the occurrence and further the informant, who later on died, has received only one incised wound injury in the occurrence, caused by sharp cutting object whereas, allegation against the petitioner is of opening fire and, as such, the petitioner suffering in custody since 30.09.2015, deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail but fairly submits that no fire arm injury was found.

In the facts and circumstances stated above and considering that there is case and counter case, there is no specific allegation against this petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the Shri Arun Tiwary, Judicial Magistrate, 1st Class, Gopalganj. arising out of Baikunthpur P.S. Case No. 175 of 2015, subject to the conditions that one of the bailors must be 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 their part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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