

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38791 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

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Bachha Rai Son of Late Jagdeo Rai, Resident of Village- Diwan Tok, P.S.
Ganga Bridge, Dist.- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in jail custody since
05.01.2016 in connection with Sessions Trial No. 247 of 2016
arising out of Ganga Bridge P.S. Case No. 34 of 2015 registered
for the offences punishable under Sections 302 and 404/34 of the
Indian Penal Code and Section 27(3) of the Arms Act.

The prosecution case, as alleged in the First
Information Report, is that co-accused Manoj Rai, Bipin Rai and
Ashok Rai pointed gun on the informant's son Pankaj Rai and co-
accused Kailash Rai and petitioner Bachha Rai pointed Hasua on
Pankaj Rai and when the informant raised hulla and tried to save
his son, they pushed the informant in a ditch and co-accused



Manoj Rai, Bipin Rai and Ashok Rai made firing indiscriminately on his son, Pankaj Rai and when Pankaj Rai tried to save himself, he fell down and thereafter accused Kailash Rai and petitioner Bachha Rai started cutting Pankaj Rai with Hasua. On hulla, when the nearby people assembled, accused persons fled away and they also took the mobile and motorcycle of the informant's son. The informant's son died on the spot.

It has been submitted by the counsel for the petitioner that petitioner is innocent and the allegation upon the petitioner and co-accused Kailash Rai is of inflicting injury by Hasua. It has been submitted by the learned counsel for the petitioner that there were three accused persons, who fired on the deceased son of the informant, but it is not specific as to whose shot caused death of the son of the informant. He submits that there is previous enmity between the parties, as father and brother of the victim had deposed against the informant in Ganga Bridge P.S. Case No. 78 of 2013. He further submits that considering the period of custody as also the fact that no specific allegation has been levelled against the petitioner, he may be enlarged on bail. It has also been submitted that the petitioner has clean antecedent, as is evident from paragraph 3 of this application. On earlier occasion, petitioner has moved this Court for grant of bail along with

accused Kailash Rai in Cr. Misc. No. 15724 of 2016 and vide order dated 25.05.2016 only, Kailash Rai was granted the privilege of bail.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, again opposes the prayer for bail.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Vaishali at Hajipur in connection with Sessions Trial No. 247 of 2016 arising out of Ganga Bridge P.S. Case No. 34 of 2015.

(Nilu Agrawal, J.)

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