

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10309 of 2016**

Arising Out of PS.Case No. -385 Year- 2015 Thana -RAJIVNAGAR District- PATNA

=====

1. Jai Prakash Yadav @ J.P. @ Jai Prakash Rai @ J.P. Rai Son of Ramjee  
Rai resident of village - Tarachak Anand Bazar, Police Station Danapur,  
District – Patna ..... Petitioner/s

Versus

1. The State of Bihar ..... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. A.K. Choudhary (App)

=====

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

4      26-04-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Rajiv Nagar P.S. Case No. 385 of 2015 registered for the offences punishable under Sections 147, 148, 149, 387, 341, 323, 324, 504, 506, 307, 302, 448 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

As per First Information Report, co-accused Neeraj Singh, Manoj Rai, Sonu Singh and Nakat Gope opened fire causing injury to Devraj Singh @ Jaikant and Manjeet Kumar Singh and thereafter all the accused persons including the petitioner fled away.

Submission is that during investigation nothing has come against the petitioner and allegedly, he was simply a member of the mob and, as such, he deserves sympathetic

consideration as he is suffering in custody since 19.12.2015. It is also submitted that the learned court below has wrongly recorded in the impugned order that the petitioner has also opened fire.

The learned A.P.P. fairly submits that the petitioner was a member of the mob and against him there is no allegation for opening fire.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri. Saurabh Kumar Verma, learned Judicial Magistrate, 1<sup>st</sup> Class, Patna in connection with Rajiv Nagar P.S. Case No. 385 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 his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

sushma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|