

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42986 of 2016

Arising Out of PS.Case No. -400 Year- 2015 Thana -DANAPUR District- PATNA

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Ranjeet Rai @ Kaliya, S/o- Shri Jai Narayan Rai, R/v- Daldali Road,
Danapur, P.S.- Danapur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar Sinha, Advocate.

For the Opposite Party : Mr. Shantanu Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-12-2016 Heard both sides.

The petitioner seeks bail in Danapur P.S. Case No. 400 of 2015, corresponding to Sessions Trial No. 474 of 2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant Jagdevan Rai named Jai Narayan Rai, Sandip Rai, Satish Rai, Ranjit Jaiswal, Sunil Mahajan and one unknown and alleged that they all made indiscriminate firing killing his younger brother Dhanpat Kumar @ Rajnarain Rai and Shambhu Rai. The informant and his brother had gone to residence of a lawyer for giving evidence in Danapur P.S. Case No. 620 of 2013 in which Rakesh Kumar, son of Shambhu Rai and one Rahul Kumar @ Kallu were killed.



Learned counsel for the petitioner submits that the petitioner is not named in the FIR. During course of investigation, name of the petitioner figured in the case as a conspirator. The petitioner is named accused in Danapur P.S. Case No. 620 of 2013 and the petitioner was admittedly in custody on 24.07.2015 on which the present case was registered. It is further submitted that Ajit Rai @ Ajit Kumar has already been granted bail vide order dated 16.05.2016 passed in Cr. Misc. No. 14318 of 2016. The case of the petitioner stands on the same footing. Similarly situated co-accused Golu Kumar has also been granted bail vide order dated 19.07.2016 passed in Cr. Misc. No. 24191 of 2016 and co-accused Lalli Sharma @ Lali Sharma has been granted bail vide order dated 11.08.2016 passed in Cr. Misc. No. 25233 of 2016. It is further submitted that the petitioner has got criminal antecedent and he has not been enlarged on bail in Danapur P.S. Case No. 620 of 2013 in which he is named accused in the murder of son of Shambhu Rai, one of the deceased of the case. It is further submitted that in the present case there is no direct or indirect evidence save and except suspicion against the petitioner.

Learned APP opposed the prayer for bail and submitted that, of course, the petitioner was inside the jail but from perusal of paragraph-9 of the case diary, it appears that the mobile number



7488294550 stands in the name of the petitioner Ranjeet Rai @ Kaliya and he also used mobile number 9693943061 and both the mobile phones were used for hatching up conspiracy to kill the deceased. It is further submitted that no CDR of the aforesaid mobile is annexed with the case diary.

From the facts, it appears that the petitioner is not named in the FIR. Name of the petitioner figured during course of investigation along with Lalli Sharma @ Lali Sharma, Ajit Rai @ Ajit Kumar and Golu Kumar. The petitioner is said to have conspired to kill Dhanpat Kumar @ Rajnarain Rai and Shambhu Rai but there is no CDR of the mobile to show that the petitioner had talked with other accused persons. The petitioner was admittedly in jail in connection with Danapur P.S. Case No. 620 of 2013 on the date of occurrence of the present case. Thereafter, the petitioner was remanded in this case on 31.08.2015. The petitioner has also got criminal antecedent but other accused persons Lalli Sharma @ Lali Sharma, Ajit Rai @ Ajit Kumar and Golu Kumar have already been enlarged on bail by different Benches of this Court and the case of the petitioner stands on the same footing.

Considering the facts aforesaid, 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 Additional Sessions Judge-IV, Danapur, Patna in Danapur P.S. Case No. 400 of 2015, corresponding to Sessions Trial No. 474 of 2016, subject to the conditions that one of the bailors of the petitioner shall be a government servant and if the petitioner fails to appear on any date or make any attempt to tamper with the evidence, the court below shall cancel the bail bond of the petitioner forthwith.

(Prabhat Kumar Jha, J.)

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