

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23380 of 2016

Arising Out of PS.Case No. -806 Year- 2015 Thana -KANKARBAGH District- PATNA

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Binod Rai @ Vinod Rai Son of Ramesh Rai resident of Mohalla Azad
Path, Gali No. 05, P.S. Kankarbagh, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 12.02.2016
in connection with Kankarbagh P.S. Case No. 806 of 2015
registered for offences under Sections 302 and 120(B)/34 of the
Indian Penal Code.

The prosecution story, in brief, is that when the informant
and his brother Ram Kumar were at their house, they heard the
sound of firing, where upon they saw from the railing that the
accused Pramod Rai, Shankar Rai, Chhotu Rai, Binod Rai, Rajesh
Rai@Jhanjhat Rai and Mahesh Rai, all of Gali No. 5 of Ajad Path
after firing were fleeing opening fire towards south and also saw
that their brother Meghnath Rai had fallen upon the road as he had



received firearm injury upon the back portion of the head. He had been taken to hospital where he has been declared dead. It is also alleged that while they were returning they saw nearby the khatal of Binod Yadav his father namely, Ramesh Rai, uncle Tarkeshwar Rai and another uncle Chandeshwar Rai were also present. It is also alleged that there is dispute with respect to mar-pit between them since 5-6 years.

On behalf of the petitioner it is submitted that the petitioner is in custody since 12.02.2016. Charge-sheet has been submitted in the present case. There is no allegation of tempering of witnesses against the petitioner. The allegation of firing is against all the accused persons in the First Information Report. From perusal of the post mortem report, it is evident that there is only one firearm shot injury. From perusal of Paras 24, 30 and 31 it appears that specific allegation has been made against co-accused Pramod as order giver and Chotu is alleged to have fired upon the deceased. So far as the petitioner is concerned, no specific allegation or any specific injury or overt act has been alleged.

On behalf of the State and counsel for the informant it has been submitted that the petitioner is named in the F.I.R amongst the named accused and has participated in the alleged

occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 806 of 2015.

(Sudhir Singh, J)

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