

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20488 of 2017

Arising Out of PS.Case No. -98 Year- 2014 Thana -BIDUPUR District- VAISHALI (HAJIPUR)

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1. DEEPAK KUMAR Son of Akhilesh Rai Resident of Village- Gurmiya
PS Kartaha District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Anusuiya Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 29-06-2017 Heard both sides.

The petitioner seeks bail in Bidupur P.S. case No. 98
of 2014 under Section 302, 307 and other Sections of the Indian
Penal Code and under Section 27 of the Arms Act.

Rahul Kumar, son of the deceased Rajdeo Rai,
alleged that he along with his father and uncle, Jagdish Rai, were
coming from market after getting the card of his marriage printed.
When they reached near Kharika Bandh, Umesh Rai, Karu Rai,
Heman Rai, Deepak Kumar, the petitioner, Surendra Rai, Jitendra
Paswan, Arvind Rai @ Gope Jee, Dharmendra Rai and Rajiv Rai
surrounded them and they all made indiscriminate firing in which
his father, Rajdeo Rai, got fire arm injuries and died. His uncle,
Jagdish Rai, also got fire arm injuries. The informant fled away



from the place of occurrence and when he returned, after some time, along with villagers, he found his father lying died at the place of occurrence and his uncle was also lying injured.

The learned counsel for the petitioner submits that petitioner is, of course, named in the FIR and the informant made allegation that all the accused persons made firing but during the course of investigation, Jagdish Rai, the sole injured person, made his statement in paragraph 109 of the case diary and disclosed that all the accused persons surrounded him and on the order of Umesh Rai and Gope Jee, Dharmendra Rai, Jitendra Paswan and Heman Rai made indiscriminate firing causing fire arm injuries to his brother, Rajdeo Rai, and to him. His brother died and he became unconscious. He got his consciousness in Patna Medical College and Hospital, Patna. It is further submitted that there is no eye witness of the occurrence. Even the informant, son of the deceased, has not seen the occurrence with his own eyes as he fled away from the occurrence when his father and uncle were intercepted. It is further submitted that similarly situated accused, Rajiv Rai, has been granted bail vide order dated 19.12.2016 passed in Cr. Misc. No. 50699 of 2016. The case of petitioner stands exactly on the same footing.

The learned Additional Public Prosecutor did not



dispute this fact.

It appears that, of course, the informant alleged in the FIR that all the accused persons, after intercepting his father and uncle, made indiscriminate firing but Jagdish Rai disclosed that accused persons, including the petitioner, intercepted them and on the order of Umesh Rai and Gope Jee, Dharmendra Rai, Jitendra Paswan and Heman Rai made indiscriminate firing. The deceased got two fire arm injuries. The informant also got fire arm injuries. The petitioner is not the person who is alleged to have fired.

Considering the facts aforesaid and the fact that similarly situated accused Rajiv Rai has already been granted bail, the above named petitioner 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in Bidupur P.S. Case No. 98 of 2014.

(Prabhat Kumar Jha, J)

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