

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48799 of 2016

Arising Out of PS.Case No. -232 Year- 2016 Thana -DUMRAUN District- BUXAR

=====

Shivjee Rai Son of Late Kameshwar Rai Resident of Village- Chilhari, P.S.-
Dumraon (Naya Bhojpur), District- Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Satyapal Singh, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-01-2017 Learned counsel for the informant has filed
Vakalatnama, let the same be kept on record.

Heard both sides.

The petitioner seeks bail in Dumraon (Naya Bhojpur)
P.S. Case No. 232 of 2016, registered for the offences punishable
under Section 302 and other Sections of the Indian Penal Code and
under Section 27 of the Arms Act.

The informant named eight persons including the
petitioner and alleged that they having armed with Lathi and
firearms came and after seeing the informant Harendra Rai and
Shivjee Rai exhorted to kill the informant and others. Harendra
Rai is alleged to have fired from his pistol aiming at the informant
but the informant did not get any injury. Nilesh @ Khakhnu fired



which hit on the right eye of Mritunjay Kumar, the nephew of the informant Mritunjay Kumar died on the spot.

Shri Rajendra Narayan Sinha, learned senior counsel for the petitioner submits that there is a land dispute between the parties. Of course, the petitioner is named in the FIR but no specific allegation of assault is made against the petitioner. Similarly situated co-accused have already been granted bail. Even Harendra Rai who is alleged to have fired at the informant has also been granted bail.

On the other hand, learned APP as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that the petitioner has got criminal antecedent and he is accused in three other cases. Almost same and similar allegation is made against the petitioner in all other cases but from perusal of the FIR, itself, it appears that the petitioner is mere member of the mob and no overt act is alleged against the petitioner save and except that the petitioner is also alleged to have exhorted along with Harendra Rai who has already been granted bail.

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 Chief Judicial Magistrate, Buxar in
Dumraon (Naya Bhojpur) P.S. Case No. 232 of 2016.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--

