

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 18241 of 2017

Arising Out of PS.Case No. -543 Year- 2016 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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Dhiraj Kumar Rai @ Dheeraj Kumar Rai Son of Late Rama Rai, resident of
village - Shresiya (Shirsia), P.S. Kanti, District - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr Bharat Lal, APP

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CORAM: HONOURABLE MR JUSTICE VINOD KUMAR SINHA

ORAL ORDER

2 **25-04-2017**

Heard the parties.

The petitioner seeks regular bail in connection with
Kanti Police Station Case No 543 of 2016, registered for offences
punishable under Sections 302, 448/34 of Indian Penal Code and
Section 27 of Arms Act.

It is submitted on behalf of the petitioner that
petitioner is named in the first information report in which he
along with other co-accused persons were seen fleeing away after
firing on the deceased. It is further submitted on behalf of the
petitioner that he has nothing to do with the other accused persons
and he has been falsely implicated in this case. It has further been
submitted that cause of incident is due to the fact that deceased



was working with accused Gautam Kumar Choudhary regarding supply of narcotics and upon refusal, this occurrence took place but petitioner has nothing to do with Gautam Kumar Choudhary and another co-accused, having similar allegation, has already been granted bail by the Court below itself. It is also submitted that in the post mortem report also, only one gunshot injury was found.

Heard learned APP also. Learned APP opposed the prayer for bail.

However, from perusal of the first information report, it appears that co-accused Gautam Kumar Choudhary fired on the deceased.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on his furnishing bonds of Rs 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, West Muzaffarpur in connection with Kanti Police Station Case No 543 of 2016.

With following conditions:

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



(ii) *The petitioner will not induce any witness or tamper with the evidence.*

(iii) *The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.*

With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

M.E.H./-

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