

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32516 of 2018

Arising Out of PS. Case No.-139 Year-2015 Thana- RAJGIR District- Nalanda

ASHOK KUMAR RAY @ ASHOK RAY @ ASHOK KUMAR S/o Late
Suresh Prasad Yadav @ Suresh Yadav, R/o Mohalla- Bari Milki, Ward No. 11,
P.S.- Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-05-2018 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Rajgir P.S. Case No. 139 of 2015, registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the written report of the informant is that the accused persons including the petitioner herein had fired gunshot and killed the mother of the informant which was witnessed by four persons sitting in the Tavera Vehicle. During the course of the investigation, it



has transpired that the said witness, namely, Gappu Singh named the petitioner as one of the assailant.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on account of the dispute pertaining to the Malmass Mela. It is further submitted that there is no eye-witness of the occurrence and the said Gappu Singh is said to be a chance witness, who reached at the place of occurrence after the firing had taken place. It is further submitted that the said Gappu Singh in his statement under Section 164 of the Cr.P.C. has specifically stated that he had reached at the place of occurrence after the murder had already taken place. Lastly, it is submitted that the similarly situated co-accused person has already been granted bail by an order dated 13.01.2016 passed in Criminal Miscellaneous No. 46630 of 2015. The petitioner is said to be languishing in custody since 08.04.2018.



Having regard to the facts and circumstances of the case and also the fact that similarly situated co-accused person has been allowed bail by this Court, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Bihar Sharif, Nalanda, in connection with Rajgir P.S. Case No. 139 of 2015.

(Mohit Kumar Shah, J)

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