

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67400 of 2018

Arising Out of PS. Case No.-11 Year-2017 Thana- RAGHOPUR District- Vaishali

Sanjay Rai, son of late Hanuman Rai, Resident of Village- Nagargama, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-12-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Raghopur P.S. Case No.11 of 2017** instituted for the offence under Section(s) 302/34 Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that petitioner has been implicated in this case due to previous enmity. The informant was veteran criminal and several cases were lodged against him, which has been mentioned, in detail, in para 9, 10 and 11 of the bail application. In para 10 of the bail application, it is mentioned that informant had attempted to kill the father of the petitioner and his uncle causing gun shot injury for which Raghopur P.S. Case No.18 of 2000 was lodged against him. It is also mentioned in para 10 of the bail application that informant



caused gun shot injury to Bhagawan Mahto for which Jurawanur P.S. Case No.88 of 1990 was lodged. Both the cases are pending for trial.

In the instant case, informant has alleged that he got information from his son Ranjeet that three persons came on motorcycle. Shashi Rai was driving the motorcycle. This petitioner along with Mithilesh Rai were sitting on the motorcycle. This petitioner fired gun shot injury on his brother due to which he received serious injury and subsequently died.

Statement of Ranjit has been recorded in para 21 of the case diary, wherein, he has sated that he saw this petitioner and other accused persons running away from the place of occurrence. He has not stated before the police that he has seen this petitioner making firing.

From the written report, it is apparent that informant is not an eye witness.

Petitioner is in custody since 23.04.2018

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial**



Magistrate, IV, Vaishali at Hajipur, in connection with
Raghopur P.S. Case No.11 of 2017, subject to the condition
that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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