

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40073 of 2018

Arising Out of PS.Case No. -83 Year- 2017 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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Panchu Rai Son of Sahindra Ray, resident of Village- Mirampur, P.S. Raghapur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kaushal Kumar

For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Six accused persons including the petitioner arrived at the baithaka of the informant for consuming wine and on protest made by the informant and his son, they slated and scuffled with them. Co-accused namely Dasrath Rai and Jagbali Rai resorted firing upon his son resulting into his death during the course of treatment.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case by the informant due to animosity. He does not happen to be the assailant. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Only allegation against the petitioner is that he had caught hold the informant during the course of occurrence. I.O. has not found any liquor at the place of occurrence. Petitioner has no criminal antecedent. He has been languishing in custody since 16.02.2018. Co-accused, namely, Manoj Rai and Dinesh Rai have been enlarged on bail by a co-ordinate bench of this court vide order dated 12.03.2018 passed in Cr. Misc. No. 60996 of 2017.

Learned APP opposing the bail petition submitted that the petitioner had caught hold the informant at the time of occurrence, hence he does not deserve bail.

Considering the facts aforesaid, 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 Addl. Sessions Judge-II cum Special Judge, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 83 of 2017.

(Prakash Chandra Jaiswal, J)

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