

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41460 of 2018

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Pintu Rai S/o Rambauri Rai, resident of Village- Saidpur, P.S.- Salimpur,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Salimpur P.S.
Case No. 122 of 2014 for offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his father had taken the animals for grazing, 16
persons including the petitioner along with 5-6 unknown persons
variously armed with pistol, lathi, gun surrounded them and on the
order of co-accused Akshay Lal Rai, the petitioner is alleged to
have fired on the informant's father on his back but did it not hit
him and he caught hold the petitioner. Thereafter other co-accused
assaulted his father by means of lathi, danda. Specific allegation is



upon co-accused Akshay Lal Rai to have fired on his father, who succumbed to the injury. It is alleged that the cause of occurrence is because of land dispute and earlier also some of the accused had killed his grand father in the year 2003.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that specific allegation is upon co-accused Akshay Lal Rai and the petitioner is alleged to have fired on the deceased which did not hit him who had caught hold of him and after being assaulted by co-accused he was let loose. Hence, no assault has been alleged against the petitioner. He submits that some of the accused have already been granted the privilege of bail by this Court in Cr. Misc. No. 29771 of 2017 vide order dated 11.07.2017 and Cr. Misc. No. 21413 of 2018 vide order 28.06.2018. Petitioner is languishing in judicial custody since 02.10.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Judicial Magistrate-1st Class, Barh in connection with Salimpur P.S. Case No. 122 of 2014, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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