

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7451 of 2019

Arising Out of PS. Case No.-165 Year-2018 Thana- DURAULI District- Siwan

PURUSHOTTAM RAI, Male, aged about 45 years, S/o Late Chandrabhan
Rai, Resident of Village- Dumrahar Khurd, P.S.- Darauli, District- Siwan
... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Adv.
For the State : Mr. Ram Sevak Choudhary, APP
For the informant : Mr. Ajay Kumar Tiwary, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-02-2019 Heard the learned counsel for the petitioner, the learned
counsel for the informant and the learned counsel appearing for the
State.

The petitioner had earlier moved for pre-arrest bail which
was rejected on 08.10.2018 vide Cr. Misc. No. 62781 of 2018. The
petitioner is languishing in judicial custody since 27.11.2018 in
connection with Darauli P.S. Case No. 165 of 2018 for the offences
alleged under Sections 147, 148, 149, 341 and 307 of the Indian Penal
Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that he,
along with Dhannjay Mishra, were carrying fodder for the cattle and
when they reached near an orchard, the petitioner along with some
accused persons, stopped them. One of the accused persons ordered
them to kill upon which Purushottam Rai (petitioner) fired from his
pistol, which hit his nephew's left thigh. Thereafter all the accused
persons started indiscriminate firing and fled away.

It has been submitted by the learned counsel for the



petitioner that the petitioner has been falsely implicated due to land dispute between the parties. He bears no criminal antecedent and injury is not on the vital part of the body.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Darauli P.S. Case No. 165 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, III, Siwan, subject to the following conditions :

(i) 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.

(ii) 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)

Shamshad/-

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