

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21756 of 2019

Arising Out of PS. Case No.-158 Year-2016 Thana- MAHUA District- Vaishali

Ajay Rai (M) @ Ajay Kumar Ray, aged about 44 years, Son of Late Babu Lal Rai, Resident of Village - Hasanpur Bhadawas, P.S.- Mahua, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahua P.S. Case No. 158 of 2016 registered under Sections 147, 148, 149, 504, 506, 307, 448 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that he fired shot from his rifle on the informant, but the informant hid himself and the shot hit Sulekha Devi, who sustained injuries on her leg. Thereafter, the petitioner along with others went away boarding on the Scorpio and Motorcycle.

It has been submitted on behalf of the petitioner that the alleged occurrence is said to have taken place on the day when the Panchayat election was taking place. Due to political



rivalry, the petitioner has been made accused. The petitioner has also submitted that two other cases have been lodged as Mahua P.S. Case No. 157 of 2016 under Sections 147, 148, 149, 307 and 302 of I.P.C. and 27 of the Arms Act and another Mahua P.S. Case No. 159 of 2016 registered under Sections 147, 148, 149, 302, 307 of IPC read with Section 27 of the Arms Act on same day. Earlier, the petitioner has three cases, which is pending for trial. Charge sheet has been submitted against the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. In the case diary, the injury report shows the injury of Sulekha Devi has been found simple in nature and other co-accused have been granted bail by this Co-ordinate Bench which is mentioned in paragraph-151 of the case diary.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 158 of 2016, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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