

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49192 of 2019

Arising Out of PS. Case No.-547 Year-2017 Thana- DANAPUR District- Patna

UDAY KUMAR @ UDAY MALLAH Son of Shri Suresh Choudhary @
Suresh Choudhari, Resident of Mohalla - Katari Hill, Pahari Par, P.S.-
Chandauli, Distt - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-11-2019 Heard both sides.

The petitioner seeks bail in Danapur P.S. Case No.547
of 2017 registered under Sections 147, 148, 149, 341, 323, 302,
120(B) of the Indian Penal Code and 27 of the Arms Act.

The informant Paras Rai named 22 persons in the
F.I.R. and alleged that they all came on different bikes, while he
along with his brother Kedar Rai and son were walking. It is
alleged that accused Prem Ratan Rai and Arjun Rai made
indiscriminate firing on Kedar Rai. Accused Pinku, Sanjay and
Prashant caught hold of the informant and assaulted with butt of
of their pistol. It is alleged that brother of the informant Kedar
Rai fell down receiving fire arm injury. Thereafter, Kedar Rai
was taken to Paras Hospital for treatment, where the doctors



declared him dead.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and his name has surfaced in the confessional statement of co-accused. He submits that except the confessional statement, nothing has recovered during course of investigation against the petitioner nor the petitioner was put on T.I.Parade for identification in order to ascertain as to whether the petitioner was present at the place of occurrence or not. It is further submitted that almost all the accused persons, named in the F.I.R., have been granted bail by this Court vide Cr.Misc.No.47168 of 2017, Cr.Misc.No.50514 of 2017, Cr.Misc.No. 14067 of 2018, Cr.Misc.No. 14783 of 2018, Cr.Misc.No.21626 of 2018, Cr.Misc.No.66345 of 2018, Cr.Misc.No.15022 of 2018, Cr.Misc.No.67256 of 2018 and Cr.Misc.No.38053 of 2018.

Learned Addl. Public Prosecutor did not dispute the fact that the petitioner is not named in the F.I.R. as well as the fact that almost all the accused persons, named in the F.I.R., have already been granted bail by this Court.

Considering the facts aforesaid as well as the fact that the petitioner's name has surfaced on the basis of confessional statement of the co-accused and other co-accused have been



granted bail by this Court, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II, Danapur, Patna in connection with Danapur P.S. Case No.547 of 2017.

(Prabhat Kumar Jha, J.)

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