

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63173 of 2019

Arising Out of PS. Case No.-100 Year-2015 Thana- PHULWARIA District- Begusarai

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TUNNI RAI @ TUNNI RAJ @ TUNNI RAY, aged about 28 years, Gender- Male, Son of Sunil Rai @ Sunil Ray, Resident of Village - Shokhara No. 2 (Bagraha Dih), Ward No. 7, Sograha, P.S.- Phulwaria, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pritish Kumar Lal, Advocate.
For the Opposite Party : Mr.Murli Dhar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 307, 341, 323, 504/34 of the IPC and 37 of the Arms Act.

The prosecution story, in brief, is that as per the fardbeyan of Sanjit Rai, recorded by S.N. Pandey, S.I. of Phulwaria P.S. at Bangraha Dih, situated behind of Ramesh Singh Mixture Plant, on 19.07.2015 at 7.30 P. M. is to the effect that on the same day at about 6.30 P.M., the informant went to inspect his agricultural field, in the meantime, he saw that all the accused persons including the petitioner were present on his agricultural field and the petitioner, Tunni Rai was ploughing



the field. On protest being made, co-accused, Sunil Rai started squabbling with the informant, whereupon the petitioner got down from the tractor and started abusing the informant and also resorted to fire upon him, causing firearm injury on the face of the informant. It is further alleged that co-accused Ravi Rai also resorted to fire upon the informant, causing firearm injury below his right armpit and thereafter, co-accused Rishi Rai resorted to fire upon the informant but it did not hit the informant. It is also alleged that co-accused, Sunil Rai and Brahmdeo Rai assaulted the informant with lathi and danda.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 13.05.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Nature of injury upon the informant is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Begusarai, in connection with Sessions Trial No. 549 of 2017, arising out of Phulwaria P.S. Case No. 100 of 2015.

(Sudhir Singh, J)

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