

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75235 of 2018

Arising Out of PS. Case No.-156 Year-2018 Thana- BEUR District- Patna

Sanjay Rai @ Sanjay Kumar son of Late Mohrai Rai, Resident of Bishanupur
Pakari, P.S. Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sri Dinesh Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 10-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned counsel appearing on
behalf of the State.

Petitioner is languishing in judicial custody since
02.06.2018 in connection with Beur P.S. Case No. 156 of 2018,
G.R. No. 3298 of 2018 for offences punishable under Sections
302/120(B)/34 of Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case as lodged by the informant is
that his neighbor Baban Kumar informed him that some
untoward incident has occurred on his brother Prem @ Lutkun.
Thereafter the informant with his nephew started searching and



found his brother in an injured condition near a temple and the informant found the petitioner along with five others at the place of occurrence who managed to flee away. The brother of the informant received a firearm injury and disclosed that the petitioner and the co-accused Guddu Kumar for certain dispute about money had fired on him. While taking to the hospital, the brother of the informant succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the eye-witness Baban Kumar has given a statement which is at para-78 of the case diary that although the petitioner fired on the deceased it did not hit him but instead the firing by the co-accused Guddu Kumar hit the deceased on his chest. He submits that two of the co-accused have been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 59125 of 2018 dated 26.10.2018 and Cr. Misc. No. 67090 of 2018 dated 05.12.2018. He submits that the petitioner was not an assailant and no specific allegation has been attributed against the petitioner.

However, learned counsel appearing on behalf of the informant has submitted that there were several injuries on the



person of the deceased as is evident from the postmortem report and there was a dying declaration by the deceased that the petitioner and co-accused Guddu Kumar had fired on the informant's brother.

Learned APP for the State also opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in one more case although of a different nature.

Considering the facts and circumstances of the case and materials on record as well as that other co-accused have been granted the privilege of bail and that the eye witness named the other co-accused Guddu Kumar as the main assailant, let the 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 the learned Sub Judge-VIII, ACJM, Patna in connection with Beur P.S. Case No. 156 of 2018, G.R. No. 3298 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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)

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