

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82976 of 2019

Arising Out of PS. Case No.-200 Year-2019 Thana- MANER District- Patna

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Raghubansh Rai Son of Jailal Rai Resident of Naga Tola, Goriayasthan, P.S.-
Maner, Distt - Patna. (Bihar) Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Sharma

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 13-12-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in his written complaint that while he along with his minor son was purchasing vegetables, FIR named accused variously armed with deadly weapons came and started abusing and assaulting them. It is further alleged that accused Bihari Rai said that they are instrumental in getting him arrested in excise and arms act case and they started indiscriminate firing upon the minor son of the informant, as a result of which he died. There is specific allegation against Bihari Rai of firing upon the son of informant as a result of which he died.

It is submitted on behalf of the petitioner that he has



been falsely implicated in this case due to previous enmity. No specific allegation of overt act has been alleged against him except that he was a member of unlawful assembly. Similarly situated co-accused, Lalmohar Rai, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 79938 of 2019 vide order dated 09.12.2019. The petitioner is in custody since 31.07.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Maner P.S. Case No. 200 of 2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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