

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4806 of 2020

Arising Out of PS. Case No.-690 Year-2019 Thana- PATRAKARNAGAR District- Patna

Kedar Rai @ Kedarnath Ray, aged about 58 years, male, Son of Shyam Rai,
Resident of Bari Pahari, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-06-2020 Heard Mr. Akhauri Kamal Kishore Sahay, the learned
counsel appearing on behalf of the petitioner and Mr. Aslam
Ansari, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Patrakarnagar P.S. Case
No.690 of 2019, registered under Sections 302/34 of the Indian
Penal Code and 27 of the Arms Act.

The widow of the deceased Nageshwar Rai alleged in
her fardbeyan that while her husband was returning to his house
after shaving and when he was about 20-25 feet away from the
house, Dablu and Bhallu both sons of Baleshwar Yadav of village
Nandlal Chhapra came on a motorcycle and Dablu fired from
point blank range in the head of her husband. Kedar Rai, the
petitioner and Tuntun Gope were sitting on another motorcycle.
After firing in the head of her husband, the accused persons fled



away.

Learned counsel for the petitioner submits that from perusal of the FIR itself, it appears that the allegation of firing is made against Dablu. The petitioner and Tuntun Gope were alleged to be sitting on another motorcycle but no allegation of assault is made against the petitioner. The petitioner is on inimical terms with the deceased. A title suit is also going on. Criminal case is also pending against both the sides. Tuntun Gope, the co-accused, whose case stands on the same footing as that of the petitioner, has already been enlarged on bail by a coordinate Bench of this vide order passed in Cr. Misc. No.78144 of 2019, therefore, the petitioner also deserves bail.

On the other hand, Mr. Aslam Ansari, the learned Additional P.P. however, opposed the prayer for bail but did not dispute the facts that the case of the petitioner stands on the same footing as that of Tuntun Gope and the informant who claims herself to be the eye witness of the occurrence did not allege in her first statement any overt act against the petitioner and Tuntun Gope.

It appears from perusal of the FIR as well as the case diary that the informant claiming herself to be the eye witness of the occurrence made specific allegation against Dablu that Dablu and Bhallu came on a motorcycle and Dablu fired from point



blank range in the head of her husband. Kedar Rai and Tuntun Gope are also said to be accompanying Dablu and Bhallu on another motorcycle but no allegation of assault is made against the petitioner, Kedar Rai and Tuntun Gope. Tuntun Gope has already been enlarged on bail.

Considering the facts aforesaid, petitioner, above named, is directed to 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 the learned Sub Judge-VIII-cum-A.C.J.M., Patna in connection with Patrakarnagar P.S. Case No.690 of 2019.

(Prabhat Kumar Jha, J)

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