

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1328 of 2020

Arising Out of PS. Case No.-514 Year-2019 Thana- CHAPRA TOWN District- Saran

Mukesh Rai, Male, Aged about 25 years, Son of Akshay Lal Rai Resident of Village - Rauja, P.S. - Chapra Town, District - Saran at Chapra (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar

For the Respondent/s : Mr.Sadanand Paswan (Spl.P.P.)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 06-10-2020 Heard Mr. Rakesh Kumar, learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl.P.P.

The present appeal is directed against the order dated 26.2.2020 passed in Chapra Town P.S. Case No. 514 of 2019 by the 1st Additional Sessions Judge – cum – Special Judge SC/ST Act, Saran at Chapra rejecting the regular bail of the appellant.

In the present case, an allegation has been made that on 7.9.2019 at about 9 AM due to land dispute Brajesh Singh, Jailor Rai, Mukesh Rai, Nitish Rai, Santosh Rai, Ram Babu Rai and Ranjeet Rai came to the place of occurrence with Lathi, Danda and Rod and put the house on fire and assaulted the brother of the Informant. Other family members namely Renu Devi and Renu Kumari were also assaulted by them and



got injured. Thereafter, the brother of the Informant Kashi Nath Manjhi was taken to the hospital but, during treatment, he died.

Learned counsel for the appellant submits that in the First Information Report, the name of Mukesh Rai son of Jelar Rai has been mentioned whereas the name of the father of the present appellant is Akshay Lal Rai and in most of the paragraphs of the case diary, his name is not there but, in paragraph no.174 his name has been surfaced to be involved in the commission of offence but, there is no direct allegation against the appellant to be involved in the commission of crime whereas seven to eight persons have been shown to be involved in the commission of crime.

Learned counsel for the appellant further submits that Ranjit Ray, Santosh Ray and Brajesh Singh have been granted bail by this Court vide orders dated 1.6.2020, 6.7.2020 and 29.9.2020 passed in Cr. App. (SJ) No. 1290 of 2020, Cr. App. (SJ) No. 1097 of 2020 and Cr. App. (SJ) No. 1335 of 2020 respectively and, thus, the present appellant be also granted bail by this Court whereas counsel for the State submits that in paragraph no.174 of the Case Diary, the name of the present appellant has surfaced in the commission of crime. He has further stated that the prayer for bail of the co-accused Jelar Rai,



Mukesh Rai, Nitish Rai and Tufani Rai has been rejected by this Court vide order dated 7.9.2020 passed in Cr. App. (SJ) No. 1260 of 2020.

Looking to the fact that the name of another Mukesh Rai has been mentioned in the F.I.R. and, later on, during investigation, the name of the present appellant has surfaced to be involved in the crime as also considering there being no direct allegation against the appellant, let the appellant, above named, 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 learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 514 of 2019.

(Shivaji Pandey, J)

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