

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27409 of 2020

Arising Out of PS. Case No.-343 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

MATWAR RAI Son of Late Gopal Prasad Resident of Village - Saren, P.S.-
Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv. with Mr. Rakesh Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned senior counsel for the petitioner and learned APP for the State .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.



The petitioner seeks bail in Makhdumpur (Tehta) P.S. Case no. 343 of 2019 instituted for the offence under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case is that the petitioner along with co-accused persons, namely, Ravi Kumar Saxena @ Harendra Yadav and Daroga Rai have fired upon the deceased.

Learned Senior counsel submits that the falsity of the allegation is evident from delay in institution of the FIR on 31.07.2019 in respect of occurrence dated 30.07.2019. Two gun shot injuries have been found in the postmortem report though allegation is of firing by all three named accused. This casts a grave suspicion on the prosecution case. Viewed in the background of the land dispute between the parties, the co-accused, namely, Daroga Rai, against whom there is allegation of inflicting gun shot injury, has been allowed bail by order dated 15.06.2020, passed in Cr. Misc. no. 15203 of 2020. The petitioner is similarly situated as the said co-accused, namely, Daroga Rai. The period of custody of the petitioner in the instant case since 16.10.2019 i.e. more than that of co-accused, namely, Daroga Rai. The petitioner is on bail in other cases pending against him, as per details, mentioned in para 3 of the bail petition.



The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, 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 the SDJM, Jehanabad, in connection with Makhdumpur (Tehta) P.S. Case No 343 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

