

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28817 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- BANGARA District- Samastipur

JAINATH RAI @ JAYNATH RAY S/o- Yugeshwar Rai @ Yugeshwar Ray
R/v- Chakshyam Nagar, P.S.- Musarigharai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The learned counsel for the parties were heard at length on 15.12.2020 and the instant case has been listed today (17.12.2020) under the heading “For Orders”.

The petitioner seeks regular bail in connection with N.H. Bangra P.S. Case No. 23 of 2020 for the offence punishable under Sections 302, 120(B) of the Indian Penal Code and section 27 of the Arms Act.

The case of the prosecution in brief, according to the informant is that on 26.02.2020 at about 13.20 hours in day time, the husband of the informant was at his house when the accused persons namely Aamir Chandra Mahto and Vinod Rai had come to their house and taken away the husband of the informant along with them on a motorcycle to a hotel. It is further alleged that at 14.20 hours information was received



that on the land of Vindeshwar Mahto, which had been bought by Md. Azami and a new house had been constructed, the accused persons including the petitioner herein, under a conspiracy had killed the husband of the informant by firing gunshots on him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 01.03.2020. It is further submitted by the learned counsel for the petitioner that a bare perusal of the materials on record would show that the main accused is Md. Azami, who had fired gunshots on the deceased, resulting in his death and the same also stands corroborated by the post-mortem report inasmuch as therein one bullet injury has been found.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail, made by the petitioner.

Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, it is apparent from a bare perusal of the statement of some of the independent witnesses as also from the supervision



note recorded in the case diary that as far as the petitioner is concerned, he is not alleged to have fired the fatal gunshot on the deceased and had in fact, left the alleged place of occurrence before the actual occurrence had taken place and thereafter, Md. Azami had fired the fatal gunshot resulting in the deceased receiving one bullet injury causing his death, hence, prima facie I find that there is miniscule evidence in the case diary so as to connect the petitioner with the alleged crime, thus I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with N.H. Bangra P.S. Case No. 23 of 2020.

(Mohit Kumar Shah, J)

Tiwary/-

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

