

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23061 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- SALIMPUR District- Patna

RATISH KUMAR S/o Raju Rai Resident of Bali, P.S.-Gaurichak, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25437 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- SALIMPUR District- Patna

ANKUSH KUMAR S/o Damru Rai Resident of Village-Ghoswari, P.S.-Bakhtiyarpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23061 of 2020)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 25437 of 2020)

For the Petitioner/s : Mr. Shyam Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-10-2020 Heard Mr. Patanjali Rishi, learned counsel for the petitioner in Cr. Misc. 23061 of 2020, Mr. Shyam Kumar Singh in Cr. Misc. 25437 of 2020, Kumari Sujata Sinha, learned counsel for the informant and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutors appearing for the State through video conferencing.



Both the cases are being heard together with consent of the parties inasmuch as both the cases arise out of the same First Information Report bearing Salimpur P.S. Case No. 23 of 2020 registered for the offences punishable under Sections 147, 148, 149, 302, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

The allegation as per the First Information Report is that on 30.01.2020 when the nephew of the informant was going to attend the rituals of his marriage, he was accosted and surrounded by 13 named accused persons including petitioners and three unknown persons and they started firing upon him. It has further been alleged that out of 13 named accused persons, four named accused persons namely, Rudal Rai, Nitish Rai, Dhanraj Rai and Mrityunjay Kumar dragged the nephew of the informant in the field where Mithilesh Kumar, the elder brother-in-law of Rudal Rai, Satyendra Prasad and Damaru Rai having pistols in their hands fired upon the nephew of the informant, on account of which, he died on the spot.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case with oblique motive and due to family dispute. Learned counsel further submits that there is no allegation of dragging or firing upon



these petitioners and they are in custody since 31.01.2020.

On the other hand, learned counsel for the State referring to the case diary submits that the allegation of firing or dragging of nephew of the informant are not against these petitioners.

Learned counsel for the informant vehemently opposes the prayer for regular bail and submits that the petitioners were also present at the place of occurrence and they brutally killed the nephew of the informant who was to be married on the date of occurrence. Accordingly, submission is that petitioners do not deserve the privilege of regular bail.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there is no specific allegation of firing against these petitioners and they are in custody since 31.01.2020, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Barh / Shri K.P. Arya, learned Judicial Magistrate, 1st Class, Barh, Patna, in connection with Salimpur P.S. Case No. 23 of



2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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