

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30245 of 2020

Arising Out of PS. Case No.-88 Year-2020 Thana- SHRIKRISHNAPURI District- Patna

DEVENDRA RAI Son of Late Kewal Rai Resident of Jawahar Colony Road
no- 4 Postal Park, P.S.- Kankarbagh, District - Patna, Permanent address
resident of village - Chandmari, P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-12-2020 Heard the learned counsel for the petitioner and

Shri Parmeshwar Mehta, the learned APP appearing for the

State.

The petitioner seeks regular bail in connection with

S.K. Puri P.S. Case No. 88 of 2020 for the offence punishable

under Sections 302, 120B of the Indian Penal Code and 27 of

the Arms Act.

The case of the prosecution in brief, according to

the informant, is that on 08.03.2020 at about 10:50 hours while

he was standing in his house in Bir Shivaji Path and his father

namely Sakaldeo Singh was returning after purchasing

vegetable and had reached at the door of his house, two persons

on a motorcycle had arrived there and one had covered his head



with helmet, however, the person sitting on the rear seat of the motorcycle was wearing a cap on his head and according to the informant, the said person is Suraj Rai, son of the petitioner herein. It is further alleged that the said Suraj Rai had then fired at the father of the informant repeatedly, resulting in father of the informant sustaining gunshot injury in his chest and while being taken to hospital, he died on the way.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has submitted that the petitioner was in jail custody on the date of occurrence in connection with Jakkanpur P.S. Case No. 94 of 2020 inasmuch as he had surrendered on 29.02.2020 whereas the date of occurrence of the present case is 08.03.2020. Thus, it is submitted that the petitioner is having no complicity in the matter. The learned counsel for the petitioner has further submitted that admittedly, there is a land dispute amongst the parties and specific allegation has been levelled by the informant against Suraj Rai of having fired gun shot on the father of the informant, resulting in his death. It is also submitted that during the course of investigation, the CCTV footage of the area has been examined, however, the petitioner



has not been seen in the said CCTV footage. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court vide orders dated 23.11.2020 passed in Cr. Misc. No. 24907 of 2020 and Cr. Misc. No. 30454 of 2020.

Per contra, the learned counsel appearing for the informant, Shri Kumar Kaushik has opposed the prayer for bail of the petitioner herein and has submitted that the petitioner is also a part of conspiracy and he is also involved in the alleged occurrence. However, he has fairly accepted at the bar that the petitioner has neither been identified as a person driving or sitting on the motorcycle nor he has been seen in the CCTV footage.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on records as also those available in the case diary, this Court finds that prima facie, miniscule evidence is available, as far as the petitioner is concerned, regarding his complicity in the alleged crime and moreover, similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court, apart from the fact that the petitioner was



in jail on the date of occurrence, hence, 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 ACJM-IV, Patna in connection with S.K. Puri P.S. Case No. 88 of 2020.

(Mohit Kumar Shah, J)

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