

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34983 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- BAKHTIYARPUR District- Patna

RAJ KUMAR Son of Sri Ghoshi Yadav @ Ghoshi Rai Resident of Village -
Kharuara, P.S. - Chero, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The present petition is by way of 2nd attempt for grant of regular bail in connection with Bakhtiyarpur P.S. Case No. 13 of 2019 for the offence punishable under Section 396 of the Indian Penal Code and Sections 25(1-b)1, 26, 27 and 35 of the Arms Act inasmuch as the earlier prayer for grant of regular bail made by the petitioner was rejected by a co-ordinate Bench of this Court by order dated 06.03.2020 passed in Cr. Misc. No.



67841 of 2019.

The allegation levelled against the petitioner is that he along with other accused persons had stolen the buffalo from the house of the informant and while they were taking the buffalo along with them, they were stopped by the members of the prosecution party, whereafter the accused person namely Satyendra Rai had fired gun shot on the father of the informant and then the co-accused person namely Ghoshi Rai had fired gun shot on the cousin brother of the informant. As far as the petitioner is concerned, he has been alleged to have fired gun shot in the air while fleeing away.

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 13.05.2019. The learned counsel for the petitioner has submitted that the prayer of the petitioner for grant of regular bail was rejected earlier only on account of the fact that the petitioner had not disclosed in his bail petition that he is an accused in two other criminal cases.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.



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 fact that there is no allegation of any sort of specific overt act qua the petitioner herein, apart from the fact that he is languishing in custody since 13.05.2019, 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 regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Barh in connection with Bakhtiyarpur P.S. Case No. 13 of 2019.

(Mohit Kumar Shah, J)

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