

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73353 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

SANJAY RAI Son of Janardan Rai Resident of Village- Dighwa Tola,
Mathiya, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 05-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody seeks bail in a case
registered under Sections 302/34 of the Indian Penal Code and
27 of the Arms Act.

Petitioner had earlier moved this Court for regular
bail vide Cr. Misc. No. 78728 of 2018 which was rejected on
27.02.2019 with a direction that petitioner would be enlarged on
bail after one year of custody.

Informant has alleged that on 12.09.2018 at about
3.30 PM his father had gone to the market and he after closing
his shop was returning on his motorcycle when he was informed
on his mobile that his father has been shot and is lying in a pool
of blood and after receiving said information, he reached the



place of occurrence and saw Shanker Rai and Sanjay Rai fleeing on motorcycle with one unknown person.

It has been submitted on behalf of petitioner that informant is not an eye witness and he has been falsely implicated in this case due to animosity and village rivalry. Similarly situated co-accused, namely, Shanker Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 29.05.2019 passed in Cr. Misc. No. 19348 of 2019. Petitioner has no criminal antecedent and is in custody since 14.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Baikunthpur P.S. Case No. 238 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his



absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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