

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74507 of 2019

Arising Out of PS. Case No.-411 Year-2016 Thana- CHAPRA MUFFASIL District- Saran

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VIJAY KUMAR RAI @ VIJAY KUMAR YADAV Son of Supan Rai @
Sukan Rai Resident of Village - Chanchaura, P.S.- Chapra Muffasil, District –
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Chapra Muffasil P.S. Case No. 411 of 2016, registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation is regarding altercation having taken
place in between the informant's side and the accused
persons whereupon the co-accused person, namely,
Kameshwar Singh had exhorted another co-accused person,
namely, Sanjay Singh to fire with his rifle whereafter the said
co-accused person, namely, Sanjay Singh had fired on the



chest of the brother of the informant, namely, Kanhiya Rai resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent and no sort of specific overt act has been alleged as far as he is concerned and the fact is that the co-accused person, namely, Sanjay Singh had fired from his rifle resulting in gunshot injury on the victim, namely, Kanhiya Rai, which had resulted in his death. It is further submitted that the petitioner is having a clean antecedent and he is languishing in custody since 11.8.2019.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that there is no allegation of any sort of overt act qua the petitioner herein apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since 11.8.2019, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection



with Chapra Muffasil P.S. Case No. 411 of 2016.

(Mohit Kumar Shah, J)

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