

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84912 of 2019

Arising Out of PS. Case No.-747 Year-2019 Thana- BUXAR District- Buxar

1. Kamlesh Rai Son of Late Dina Nath Rai Resident of Village- Koerpurva, P.S.- Buxar Town, District- Buxar.
2. Sri Prakash Rai @ Prakash Rai @ Prakash Son of Sarandhar Rai Resident of Village- Koerpurva, P.S.- Buxar Town, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar, Advocate
for the Informant	:	Mr. Surender Kr Singh, Advocate
For the Opposite Party/s:	:	Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The instant application for regular bail has been filed by the petitioners in connection with Buxar (Town) P.S. Case no. 747 of 2019 registered for the offence punishable under sections 147, 148, 149, 307, 448, 302 and 120B of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated that on the date and time of occurrence the named accused persons including the petitioners herein came variously armed and made indiscriminate firing. It is further stated that accused Bullu Rai @ Bhuli Rai fired hitting Raghvendra Pratap Singh while



accused Rishu Rai fired hitting Suryajeet Singh @ Tuna Singh. It is further stated that in course of treatment Raghvendra Pratap Singh died while the other injured was in a critical condition.

It is submitted by learned counsel for the petitioners that there are pending civil disputes between the parties and from perusal of the FIR itself it would transpire that the main allegation of firing is against Ballu Rai @ Bhuli Rai and Rishu Rai. It is further submitted that the allegations against others are general and omnibus in nature. The petitioners have no criminal antecedent and they are in custody since 22.10.2019.

It is submitted by learned counsel for the informant that from the FIR it would transpire that the occurrence was given effect to in a pre-planned manner. Not only the petitioners are named in the FIR but there is allegation of indiscriminate firing against them. It is finally submitted that the petitioners should be kept in custody for some more time.

The application for bail has also been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above including that the allegation of main overt act is against Ballu Rai @



Bhuli Rai and Rishu Rai, this Court is inclined to enlarge the petitioners on bail. Let the petitioners, above named, be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case no. 747 of 2019.

(Partha Sarthy, J)

Prakash/-

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