

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13688 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- SAHPUR District- Patna

1. VISAV RANJAN KUMAR, Son of Late Subhash Ray, Resident of Village - Naragada, P.S. - Shahpur, District - Patna.
2. AKHILESH RAY @ AKHILESH KUMAR, Son of Late Subhash Ray, Resident of Village - Naragada, P.S. - Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Ganesh Prasad Yadav, Advocate
For the S t a t e	:	Mr.Tapeshwar Sharma, APP
For the informant	:	Mr. Sunil Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2021 The matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned counsel for the informant as well as the learned APP for the State.

The petitioners seek bail in connection with Shahpur P.S. Case No.128 of 2020 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 326,



307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Eleven persons along with the petitioners have come variously armed and indiscriminately assaulted the informant and his family members. The assault has resulted in one death.

Counsel for the petitioners submitted that co-accused Ajay Rai and Supan Rai, as per the prosecution case, are responsible for assault, resulting in death of one of the family members of the informant. Petitioner Nos.1 and 2 have no concern with the said killing. Even, as per the prosecution case, in fact, the occurrence has occurred at the spur of the moment, based on a land dispute. Petitioners' side has also filed Shahpur P.S. Case No.127 of 2020. Having no criminal antecedents, the petitioners are in custody since 07.09.2020.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail and submitted that all the accused persons have come with common object and committed the offence. The informant has sustained grievous injury on his hand.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes



of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned A.C.J.M.-I, Danapur, Patna, in connection with Shahpur P.S. Case No.128 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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