

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17273 of 2021

Arising Out of PS. Case No.-220 Year-2015 Thana- MOKAMAH District- Patna

MUKESH RAI aged about 32 years SON OF RAMSHARAN RAI Resident
of Village - Mekra (Naughar), P.S.- Mokama, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.SK Sharma, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 26.11.2015 at about 7.30 pm informant received information that her son has been shot dead and the dead body was lying outside the house of one Ravindra Rai. When she reached there with her daughter-in-law, she found that her son had sustained two gun shot injuries in his stomach. She expressed suspicion that this petitioner and 5 others named in the FIR might have committed the occurrence due to previous enmity.

Learned counsel for the petitioner submits that the



informant is not the eye witness of the occurrence and the petitioner has falsely been implicated in this case on suspicion. There is no substantive evidence to suggest the implication of this petitioner in the present case. The only material collected against the petitioner during course of investigation is that one Mokama Police Station Case No. 105/2015 was instituted for the murder of one Guddu Rai, brother of the petitioner and the instant offence has been committed in revenge of murder of petitioner's brother. Petitioner has claimed clean antecedent and he is in custody since 22.6.2020. Investigation is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and the materials available on the record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I, Barh, Patna in Mokama Police Station Case No. 220 of 2015 on the following conditions:-

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



and shall remain physically present as directed by the Court
and on his/her absence on two consecutive dates without
sufficient reason, his/her bail bond shall be cancelled by the
Court below.

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

(Prabhat Kumar Singh, J)

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