

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27219 of 2019

Arising Out of PS. Case No.-26 Year-2013 Thana- AGION (GARHANI) District- Bhojpur

Guddu Rai, aged about 24 years, Male Son of Mathura Rai @ Muthri Ray
Resident of Bahadurpur, PS Agion (G), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 25.06.2014 in Cr. Misc. No. 797 of 2014.

3. The petitioner is in custody in connection with Agion (G) PS Case No. 26 of 2013 dated 12.03.2013, instituted under Sections 302, 307, 324/34 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner is that he along with two others had fired on the deceased.



5. Learned counsel for the petitioner submitted that though there is allegation of firing against the petitioner, the postmortem report shows that there is only one bullet injury. Learned counsel submitted that except for a brief period, when he was on provisional bail, the petitioner is in custody since 12.03.2013.

6. Learned APP submitted that there is direct allegation of firing on the deceased. However, he did not controvert that only one bullet injury has been found during postmortem and the petitioner is said to have fired along with two other persons.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-VI, Bhojpur at Ara in Agion (G) PS Case No. 26 of 2013 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence



the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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