

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35728 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- KOILWAR District- Bhojpur

Ramesh Rai @ Ramesh Kumar S/O Kishundeo Rai Resident of Durjanchak
P.S. - Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.H.A.Khan
Mr.Sadanand Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Koilwar P.S. Case No. 408 of 2020, registered for the offence under Sections 147, 148, 149, 341, 323, 307, 302, 427, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 28.09.2020, while the informant alongwith Siya Ram Rai (deceased) was sitting at Community Hall of the village, the FIR named accused persons including this petitioner came there and started abusing and assaulting informant and on protest, all of them assaulted and injured the informant. It is further alleged that co-accused persons made indiscriminate firing, as a result of which, several



persons from informant side got injured and one person namely Siya Ram Rai died during course of treatment.

It is submitted on behalf of petitioner that there is case and counter case. Specific allegation of firing is against other co-accused persons. So far as this petitioner is concerned, there is no allegation of firing and he is only alleged to be member of the mob. Petitioner has got clean antecedent and is in custody since 29.12.2020. Investigation is complete.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that this petitioner is named in the F.I.R. and has also participated in the firing, as a result of which, number of persons from informant side have received fire-arm injury and one person during course of treatment died.

Considering the aforesaid facts and circumstances as well as the fact that there is no allegation of firing against this petitioner and he has got clean antecedent, the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with Koilwar P.S.



Case No. 408 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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