

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36045 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- BIDUPUR District- Vaishali

1. SUNIL RAI @ SUNIL KUMAR Son of Devendra Rai @ Devendra Prasad Yadav Resident of Village - Kutubpur Saidpur, P.S.- Bidupur, District - Vaishali.
2. Praveen Kumar Son of Ram Pravesh Rai Resident of Village - Kutubpur Saidpur, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners have preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the eleven named accused persons are stated to have come variously armed. It is stated that accused Vijay Rai fired with his country made pistol on the father of the informant while all the accused persons assaulted him with *lathi*, *danda*, iron rod etc.. It is further stated that the accused persons also assaulted the mother of the informant. Subsequently the father of the informant died.

It is submitted by learned counsel for the petitioners that



they have been falsely implicated in the case. The allegations of firing is on Vijay Rai. The allegations against others are general and omnibus in nature. The petitioners are in custody since 3.1.2021 and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that besides the petitioners being named in the FIR there is direct allegation against them. They also have criminal antecedent which is evident from the seizure list. In reply learned counsel for the petitioners submits that the said seizure list mentions the FIR number of the present case.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the general and omnibus allegations against the petitioners and the period in custody, the petitioners are directed to be enlarged on bail in connection with Bidupur P.S. Case no. 3 of 2021 on each of them 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, Vaishali at Hajipur.

(Partha Sarthy, J)

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