

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31730 of 2020

Arising Out of PS. Case No.-310 Year-2019 Thana- BIDUPUR District- Vaishali

HARENDRA RAI Son of Ganga Rai Resident of Village- Amer, P.S.-
Bidupur in the District of Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bidupur P.S. Case No. 310 of 2019, registered under Sections
302/34 and 120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

The accusation is that in the late evening of
31.07.2019, Chanchal Singh and Raju Raushan, own brothers
of informant Kundan Singh, went for sleeping at the Chabutra
of Durga temple. In the night, informant Kundan Singh heard
sound of firing then he along with his other brother, namely,
Rahul Kumar reached at Durga temple then saw his brothers
Chandhal Singh and Raju Raushan were screaming in pool of
blood. At that time, informant also saw that his pattidar



Abhishek Kumar and Vivek Kumar, both son of Dharmnath Singh, started fleeing boarding on motorcycle, whereas Guddu, Satan Singh and Harendra Rai (Petitioner) of village-Amer were seen moving on foot. Due to fear, they could not be chased. Thereafter, he went near his brothers then found his brother Raju Raushan dead, whereas his other brother Chanchal Singh was rushed to the P.H.C., Bidupur from where he was referred to Sadar Hospital, Hajipur where the Doctor declared him dead. The cause of occurrence is the land dispute with his uncle Dharmnath Singh, who is father of Abhishek Kumar and Vivek Kumar.

Learned counsel appearing for the petitioner submits that it would appear from the F.I.R. that the occurrence is of 31.07.219, at about 11.30 P.M., in the night, while informant has claimed to identify the petitioner and others but he has not disclosed the source of light. Further submission is that it also appears from the F.I.R. that the occurrence took place due to land dispute between informant with his uncle Dharmnath Singh, who is father of Abhishek Kumar and Vivek Kumar and no any motive has been assigned regarding involvement of petitioner in this occurrence. Further submission is that petitioner has no criminal antecedent and he



is in custody since 02.08.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 310 of 2019.

(Rajendra Kumar Mishra, J)

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