

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2822 of 2021**

Arising Out of PS. Case No.-123 Year-2021 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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ARVIND RAI @ ARBIND RAI S/O LATE GHOGHAN RAI R/o village-  
Raichiahi, P.S.- Begusarai Muffasil (Singhaul O.P.), District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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with

**CRIMINAL APPEAL (SJ) No. 2998 of 2021**

Arising Out of PS. Case No.-123 Year-2021 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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PANKAJ RAI Son of Nageshwar Rai Resident of Village - Rachiyahi,  
Kachahri Tola, P.S.- Mufassil (Singhaul), Dist.- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 2822 of 2021)

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|---------------------|---|-------------------------------|
| For the Appellant/s | : | Mr.Shubhesh Pandey, Adv.      |
| For the Informant   | : | Mr. Ravi Shankar Sahay, Adv.  |
| For the State       | : | Mr.Sadanand Paswan, Spl. P.P. |

(In CRIMINAL APPEAL (SJ) No. 2998 of 2021)

|                     |   |                                    |
|---------------------|---|------------------------------------|
| For the Appellant/s | : | Mr. Yogesh Chandra Verma, Sr. Adv. |
|                     |   | Mr.Ram Sumiran Rai, Adv.           |
| For the Informant   | : | Mr. Ravi Shankar Sahay, Adv.       |
| For the State       | : | Mr.Binay Krishna, Spl. P.P.        |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

3      23-08-2021                      Heard learned counsel for the parties through video  
conferencing.

The instant appeals have been preferred by the two  
appellants against the order rejecting the prayer for bail in



connection with Begusarai Muffasil (Singhaul) P.S. Case no.123 of 2021 registered under sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act, section 3(ii)(u), (r) and (s) of the S.C and S.T. (Prevention of Atrocities) Act.

As per allegations in the F.I.R., the accused persons including the two appellants herein came variously armed, abused the informant and others in the name of their caste and it is further stated that all the accused caught hold of the informant's father while accused Anil Rai shot him with a pistol leading to his death on the spot.

It is submitted by learned counsel for the appellants that the allegations as levelled in the F.I.R. are false and concocted. The appellants have been falsely implicated in the case. It is further submitted that even as per the F.I.R., accused Anil Rai is said to be the sole assailant and the contents of the post-mortem report shows only one gunshot injury which is attributable to the said Anil Rai. The appellants are in custody since 9.3.2021 and 25.3.2021 respectively and investigation in the case has concluded.

The appeals are opposed by learned Special P.P. appearing for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the little



delay in lodging of the F.I.R. has been explained in the F.I.R. itself. The father of the informant was killed as a result of common intention of the accused persons including the appellants herein. The assailant Anil Rai is still absconding. The prayer for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. together with the contents of the post-mortem report and investigation in the case having concluded, the orders rejecting the prayer for bail of the appellants by the learned court below are set aside and the two appellants are directed to be enlarged on bail in connection with Begusarai Muffasil (Singhaul) P.S. Case no.123 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 Special Judge, S.C./S.T. (POA) Act, Begusarai.

**(Partha Sarthy, J)**

Saurabh/-

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