

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39777 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- DORIGANJ District- Saran

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Pramod Kumar @ Pramod Rai, Son of Late Sadhu Rai Resident of Village-
Raipur, Bingawa, P.S.- Doriganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2021 Heard learned counsel appearing on behalf of the
petitioner as well as learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 13.03.2021 seeks
bail in connection with Doriganj P.S. Case No.193 of 2020
registered for offence punishable under Sections 341, 323, 324,
302, 147, 148, 149 of the IPC.

As per the prosecution case, it is stated that the fifteen
named accused persons including the petitioner herein came
variously armed. On the orders of Mahavir Rai it is stated that
Dipak Kumar, Vinod Rai and Udit Rai caught hold of the son of
the informant who was, thereafter, assaulted by Aditya Kumar
with an iron rod. The informant's son fell down unconscious. It
is further stated that the petitioner, Pramod Kumar and Daroga



Rai assaulted the informant's brother, namely, Vijay Rai. The accused went away firing and stating that the son of the informant had been killed.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegations in the FIR are not supported by the materials that has transpired in course of investigation. The allegation of assault on the son of the informant is not on the petitioner herein who is in custody since 13.03.2021 and has no criminal antecedent. He further submits that another two co-accused has been released on bail vide order dated 05.10.2021 passed in Cr. Misc. No.19051/2021 and order dated 01.12.2021 passed in Cr. Misc. No.65629/2021.

Learned APP for the State submits that no injury is attributed on the victim. It is submitted by learned counsel for the State that not only the petitioner is named in the FIR but was armed and actively participated in the occurrence as described in the FIR leading to death of the son of the informant and injuries to others.

Having heard the rival submissions of the parties and considering the facts and circumstances of the case as well as the materials available on the record, let the petitioner, above



named, is directed to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chhapra in connection with Doriganj P.S. Case No.193 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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