

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31999 of 2020

Arising Out of PS Case No.-71 Year-2017 Thana- SAHPUR District- Patna

Govind Raj @ Govinda Rai, aged about 30 years, Male Son of Premchand Rai, Resident of Hawaspur, PS- Shahpur, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the State : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ghanshyam Tiwary, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Shahpur PS Case No. 71 of 2017 dated 13.04.2017, instituted under Sections 147, 148, 149, 341, 323, 307, 120B/34 of the Indian Penal Code and 27 of the Arms Act, 1959.



4. The allegation against the petitioner and others is of firing on the informant side which also caused injury in the right knee of the informant.

5. Learned counsel for the petitioner submitted that though the incident is said to be the result of Rs. 315/- and a motorcycle being snatched from the son of the informant, but later it has been stated that when the informant and his other family members came near the *pipal* tree, the petitioner is said to have given order to fire which was resorted to by the other co-accused and hit the informant near the right knee. It was submitted that there is no overt act alleged against the petitioner except that he gave order to fire. Learned counsel submitted that co-accused Bijendra Kumar @ Benga Rai, Golu Kumar and Bittu Kumar have been granted anticipatory bail by a co-ordinate Bench by order dated 19.09.2017 passed in Cr. Misc. No. 42950 of 2017 and also Sunil Rai, Vishok Rai and Ashok Rai, have also been granted anticipatory bail by order dated 18.05.2018 passed in Cr. Misc. No. 30724 of 2018. Learned counsel submitted that the petitioner is the husband of the local *Mukhiya* and due to political rivalry has been named with the intention to harass and damage him.



6. Learned APP submitted that the petitioner was the person who had exhorted the others to fire and the said firing resulted in serious injury to the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Danapur, Patna in Shahpur PS Case No. 71 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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