

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3489 of 2021**

Arising Out of PS. Case No.-51 Year-2020 Thana- PATORI District- Samastipur

Sunil Rai Son of Ramchandra Rai Resident of village - Inayatpur Dhamaun,
P.S. - Patori District- Samastipur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Kumar Praveen,Advocate
For the Opposite Party/s	:	Mr.Matloob Rab,APP
For the Informant	:	Mr.Pramod Kumar Singh,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patori P.S. Case No. 51 of 2020 registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant alleged that for the land dispute between his neighbour Vijay Rai and second party Rohit Rai they entered into scuffle and for that reason the accused persons from the roof of their house indulged in pelting stones



and firing and one of the firing hit in the neck of the informant's mother resulting her death.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that there are general and omnibus allegation of firing and pelting stones and there is no specific allegation of overt act against the petitioner. It is submitted that the co-accused similarly situated namely accused no. 1 Chandra Bhushan Rai and accused no. 2 Amarnath Rai as also accused no. 8 Shatrudhan Rai have been released on bail by learned co-ordinate Benches of this Court in Cri. Misc. No. 33756 of 2020, Cri. Misc. NO. 36878 of 2020 and Cri. Misc. No. 28606 of 2020 respectively. The petitioner is in custody since 09.05.2020 having no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant are present and have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there are general and omnibus kind of allegations against all the 9 named and 4-5 unnamed persons that they had fired from their pistol and rifle, however, there is no specific



allegation against this petitioner of killing the mother of the informant, the further submission that the co-accused similarly situated namely accused no. 1 Chandra Bhushan Rai and accused no. 2 Amarnath Rai as also accused no. 8 Shatrudhan Rai have been released on bail by learned co-ordinate Benches of this Court in Cri. Misc. No. 33756 of 2020, Cri. Misc. NO. 36878 of 2020 and Cri. Misc. No. 28606 of 2020 respectively, so far as the present petitioner is concerned, he has been falsely implicated because of political rivalry as he was fighting the assembly election and the petitioner has otherwise no criminal antecedent, investigation against him is complete, the submission of the petitioner has remained uncontroverted by learned APP for the State and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named 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 A.C.J.M.-IV, Samastipur in connection with Patori P.S. Case No. 51 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

