

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36878 of 2020**

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

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Amarnath Rai Son Of Late Baijnath Rai Resident Of Village - Chandpur
Dhamaun, P.S. - Sahpur Patory, District - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ganesh Prasad Singh, Advocate
For the Informant : Mr. Pramod Kumar Singh, Advocate
For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 16-03-2021

Heard learned counsel for the petitioner, learned counsel for the informant as well as learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 28.02.2020 in connection with Patory P.S. Case No. 51 of 2020 for the offences alleged under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with the alleged killing of the mother of the informant. As many as nine persons including the petitioner have been made accused. It is submitted that there was a dispute between co-accused Shatrudhan Rai and Vijay Rai. The petitioner merely happens to be the Gotiya of Shatrudhan Rai and brother of co-accused Chandra Bhushan Rai. It is submitted that firing



was made by both sides and there is case and counter case in relation to the occurrence. It is highly probable that the victim received a bullet wound upon firing made by Vijai Rai. Similarly situated co-accused Chandra Bhushan Rai and Shatrudhan Rai have been granted bail by this Court in Cr. Misc. No. 33756 of 2020 and Cr. Misc. No. 28606 of 2020 respectively.

4. Learned APP assisted by learned counsel for the informant appear and have been heard.

5. Be that as it may and having regard to the period of custody already suffered since 28.02.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur, in connection with Patory P.S. Case No. 51 of 2020, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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