

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39191 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- BAGENGOLA District- Buxar

SANJAY RAI S/o Shiv Kumar Rai R/o Village- Pokharha, P.S.- Bagengola,
District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, APP
For the Informant :	Mr. B. J. Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the stamp reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Bagengola P.S. Case No. 100 of 2020 registered for the offences punishable under Sections 302, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant with his father was engaged in his field, Vijay Pandey, Ajay Pandey, Uma Shankar



Pandey, Vikramaditya Pandey, Manish Pandey, Rakesh Rai and Sanjay Rai with four unknown came there having fire arms in their hand. It is alleged that firing made by Vijay Pandey, Ajay Pandey and Uma Shankar Pandey hit the father of the informant and other accused persons fired on the informant but he was saved.

Learned counsel submits that petitioner is though named in the F.I.R. but there is no allegation of firing against him. Allegation of firing is specific against co-accused Ajay, Vijay and Uma Shankar. It is submitted that there is general allegation of firing that others also fired on the informant but he was saved. The petitioner has been falsely implicated in this case in the background of land dispute. The petitioner is in custody since 20.08.2020 having no criminal antecedent.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein from the First Information Report itself it is clear that the specific allegation of firing upon the father of the informant who later on died is against the co-accused Ajay, Vijay and Uma Shankar. So far as this petitioner is concerned, he has been named in the F.I.R. amongst seven named and four



unnamed accused, there is a general allegation that other accused had also fired on the informant but at the same time the informant says that he did not suffer any injury and was saved, the petitioner has otherwise no criminal antecedent and the dispute between the parties seems to have arisen on account of a land dispute, there is no specific allegation of causing fire arm injury either to informant or his father and further that the petitioner has remained in jail since 20.08.2020, investigation against him is complete and there being 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. 1st at Buxar in connection with Bagengola P.S. Case No. 100 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 steps for cancellation of bail bond of the petitioner.

This application stands disposed of accordingly.

(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'.

