

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9652 of 2021

Arising Out of PS. Case No.-590 Year-2019 Thana- MANER District- Patna

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Baikunth Rai Son Of Late Devan Rai Village- Serpur, P.S.- Maner, District- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Jee Verma, Advocate

For the Opposite Party/s : Mr.BN Pandey, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner, the State and the informant.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, while the informant was constructing his house, petitioner and other accused persons reached there and made indiscriminate firing causing death of two persons. Petitioner was having rifle in his hand at the time of occurrence.

Learned counsel for the petitioner submits that no specific overt act has been alleged against the petitioner. He is



alleged to be present at the place of occurrence with rifle. He is in custody since 1.12.2019 and several similarly situated co-accused have already been allowed bail by co-ordinate bench of this Court vide order mentioned in paragraph 14 of the bail petition.

Learned counsel appearing for the State and informant oppose the prayer for bail. Learned counsel for the informant submits that prayer for bail of similarly situated co-accused Shyamakant Rai has been rejected by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 31435/2020.

In this regard, learned counsel for the petitioner submits that against the co-accused Shyamakant Rai there is specific allegation that he fired on a labour who died on the spot, whereas the petitioner is alleged to be member of mob.

Considering the facts and circumstances of the case and the fact that there is general and omnibus allegation against the petitioner and he is in custody since 1.12.2019, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Miss Nutan Kumari, JMFC Danapur in Maner Police Station Case No. 590 of 2019 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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