

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6560 of 2022

Arising Out of PS. Case No.-398 Year-2020 Thana- BIDUPUR District- Vaishali

1. Om Prakash, Son of Lakshman Ray @ Laxman Rai, Resident of Village-Shahpur, P.S.- Ganga Bridge, District- Vaishali
2. Santosh Rai, Son of Lakshman Ray @ Laxman Rai, Resident of Village-Shahpur, P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6543 of 2022

Arising Out of PS. Case No.-398 Year-2020 Thana- BIDUPUR District- Vaishali

Jai Prakash Rai, S/o Lakshman Ray @ Laxman Rai, R/o village- Shahpur,
P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6560 of 2022)

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 6543 of 2022)

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-07-2022 Since both the petitions arise out of same FIR bearing Bidupur P.S. Case No. 398 of 2020, as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP
for the State.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bidpur P.S. Case No. 398 of 2020, registered for the alleged offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the brother of the informant was shot dead by the petitioners and co-accused Lakshman Ray in the background of some land dispute.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and have been implicated in this case on account of admitted land dispute. The informant and the petitioners are agnates and the land dispute is going on between them. It is apparent from the FIR that the informant was not an eye witness otherwise he could have easily named his cousins, if they were assailants and could have specified who fired upon the deceased. The father and his three sons have been named in this case and it is not believable that all four of them were riding a motorcycle and the informant did not identify them at the first instance. It is out and out a case of false accusations. The deceased was a contractor and he had



several business rivals and there is very high possibility that the deceased might have been killed by one of his business rivals. Moreover, against these petitioners, there is no specific allegations with regard to shooting and the allegation are general and omnibus in nature. The father of the petitioners, the co-accused Lakshman Ray was released on bail by the learned court below as the charge sheet has not been submitted within the stipulated time. Now, the charge sheet has been submitted in this case and the petitioners are in custody since 13.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioners are named in the FIR and they have actively participated in the murder of the brother of the informant.

Having regard to the submissions made hereinabove particularly on behalf of the petitioners and considering the non-specific nature of allegation against the petitioners in the backdrop of doubt over the version of informant and also taking into consideration the fact that the charge sheet has been submitted in this case and the petitioners are in custody since 13.09.2021, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in



connection with Bidupur P.S. Case No.398 of 2020, subject to
the following conditions :

- (i) One of the bailors will be a close relative of
the petitioners.
- (ii) The petitioners will remain present on each
and every date fixed by the court below.
- (iii) The petitioners will not commit similar type
of offences in future.
- (iv) In case of absence for three consecutive
dates or in violation of the terms of the bail, the
bail bonds of the petitioners will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

