

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7305 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- KARAHGAR District- Rohtas

Abhai Rai S/O Ramakant Rai R/O Village- Ghoranpur Pipra, P.S.- Karahgar
District- Rohtas Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr.Manoj Kumar, Advocate

For the Opposite Party : Mr.Narsingh Tanti, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-09-2022 Heard learned counsel for the petitioner, the informant
and the State.

The petitioner apprehends arrest in a case registered
for the offence punishable under sections 302/34 of the Indian
Penal Code and section 27 of the Arms Act.

Prosecution case is that while the informant and his
family members and servant were sleeping in Khalihan, some
unknown persons caused gun shot injury to his brother Shashi
Kant Rai, who died during treatment.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. In fact, during investigation, after six months of the
occurrence, wife of deceased took name of the petitioner on
suspicion. Besides this, one of the co-accused Ramakant Rai has
taken name of the petitioner alleging that he



and other accused persons killed informant's brother to grab his property. Petitioner has got no criminal antecedent. Similarly situated co-accused have already been allowed bail by a co-ordinate bench of this Court vide order dated 19.9.2022, passed in Cr.Misc.Nos. 67467 and 66176 of 2021.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, 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 Additional Chief Judicial Magistrate I, Rohtas at Sasaram in Karahgar Police Station Case No. 328 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

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