

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7301 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- ATHMALGOLA District- Patna

1. BHUNESHWAR RAY Son of Raghunath Ray Resident of Village - Dariyapur, P.S. - Athmalgola, District - Patna.
2. Umesh Ray Son of Raghunath Ray Resident of Village - Dariyapur, P.S. - Athmalgola, District - Patna.
3. Baizu Ray Son of Swarath Ray @ Ramasabrath Ray Resident of Village - Dariyapur, P.S. - Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 26-05-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

This is an application for regular bail on behalf of the petitioner for the offences alleged under section 307 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per allegation, 15 named accused persons including the petitioners were present in the house of co-accused Raj Brij Rai equipped with arms. After seeing Bakhori Rai, co-accused Raj Brij Rai and Nitish Kumar attempted to catch Bakhori Rai and thereafter



all the accused persons started hurling stone on the informant. Co-accused Nitish Kumar fired which hit in the thigh of Bakhori Rai as a result of which he became injured.

Learned counsel for the petitioners has submitted that members of the informant's side also assaulted petitioners' side and made them injured. He submitted further that allegation of opening firing is against Nitish Kumar and not against the petitioners. He also submitted that the petitioners are in custody since 09.06.2020.

Learned counsel for the informant has submitted that the petitioner have also criminal antecedents to which learned counsel for the petitioners replied that petitioner nos. 1 and 3 have no criminal antecedents and petitioner no.2 has criminal antecedents of a case i.e. Athmalgola P.S. Case no. 185 of 2017 under sections 147, 148, 448, 341, 323, 324 and 379 IPC and in that case, he is on bail.

Considering the facts and circumstances and the period of custody of the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Barh in connection with Athmalgola P.S. Case no. 192 of 2021, subject to the following conditions:-

1. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
2. If the petitioners are found involved in future in the



similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

s.hassan/-

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