

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12753 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- KOILWAR District- Bhojpur

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Gan Rai @ Dharma Nath Kumar Rai R/o Rampujan Rai R/o Village- Simaria
Mahadeo Chak, P.S.- Kolwar, District- Bohjpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Alok Kumar, learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Koilwar P. S. Case No. 288 of 2021 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on account of digging of sand, some altercation took place between



the parties and in consequence thereof, on the dictate of co-accused Kallu Ray, one Anil Ray fired upon the uncle of the informant due to which he received firearm injury and later on, succumbed to death.

Learned counsel appearing on behalf of the petitioner submitted that there is specific allegation against Anil Ray, who fired upon the deceased, causing his death. So far this petitioner is concerned, there is no allegation of any overt act against him and at best he can be said to be a member of a mob. It is further submitted that there was enmity between both the sides due to which his name has been implicated, though during the course of investigation, the independent witnesses have not supported the prosecution case. It is also submitted that other co-accused persons having similar allegation, have been granted anticipatory bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 16319 of 2022 vide order dated 25.05.2022. A copy of which has been produced before this court and the same has been taken on record. It is lastly submitted that this petitioner is in custody since 21.11.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is named in the F.I.R. and he has actively participated in the



present crime.

Having considered the submissions made on behalf of the parties and taking into account the fact that specific allegation has been made against co-accused Anil Ray and Kallu Ray so far this petitioner is concerned, no specific allegation has been attributed against him, apart from that other co-accused persons having similar allegation have already been granted anticipatory bail by learned co-ordinate bench of this Hon'ble Court in as much as he is in custody since 21.11.2021 and moreover, the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar P. S. Case No. 288 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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