

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26609 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- SAHPUR District- Patna

AJAY RAI S/O LATE SUBHASH RAI R/O VILLAGE-NARGADA, P.S.
SHAHPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv.
		Mr. Ganesh Prasad Yadav
For the Opposite Party/s :		Mr. Manoj Kumar no.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the eleven named accused persons are said to have come variously armed and over a dispute relating to harvesting of wheat, it is stated that all the accused persons started to assault. Ajay Ray and Supan Ray assaulted with the butt of their rifle causing injuries to Madan Ray who died in course of treatment.

It is submitted by learned Senior Counsel appearing for the petitioner that the petitioner has been falsely implicated



in the case over a land dispute which would be evident from perusal of the F.I.R. itself. It is submitted that on the face of it there was no intention to kill as although it is alleged in the F.I.R. that the accused persons were carrying fire arm but they were not used in the occurrence. Even as per the F.I.R. no one got injured in the firing which took place. The witnesses in course of investigation have not supported the case against the petitioner. Coaccused Supan Ray has been enlarged on bail vide order dated 13.8.2021 passed in Cr. Misc. no. 8809 of 2021. The petitioner is in custody since 14.5.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, there being case and counter case between the parties, grant of bail to the above mentioned co-accused Supan Ray and the petitioner having remained in custody for over 1 year 8 months, the Court directs the petitioner to be enlarged on bail in connection with Shahpur P.S. Case no. 128 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1, Danapur, district Patna.

Bibhash

U			
---	--	--	--

(Partha Sarthy, J)

