

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27183 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- BACHHWARA District- Begusarai

BIJAY RAI Son of Rajendra Rai @ Rajendra Ray Resident of Village -
Chamtha Number, Ward No.5, P.S.- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-01-2022 Heard learned counsel for the parties.

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

As per the prosecution case, the four named accused persons as also 4-5 unknown persons are stated to have come variously armed and resorted to firing leading to death of Munni Devi and injuries to others.

It is submitted by learned counsel for the petitioner that a typographical error has been occurred in paragraph no.1 of the petition wherein section 27 of the Arms Act has inadvertently not been mentioned. On merits, it is submitted that the petitioner is not named in the F.I.R. Co-accused Bijay Rai, named in the F.I.R., is the son of Late Sujan Rai and he is not



the petitioner herein. Referring to the order of the learned court below, it is submitted that petitioner is not named in the F.I.R. His name transpired in course of investigation in the confessional statement of co-accused Laxman Rai recorded in paragraph no.18 of the case diary wherein he has also been said to be one of the assailants. It is further submitted that Laxman Rai in his confession has named both Bijay Rai, the named accused in the F.I.R. as also this petitioner. The petitioner is in custody since 10.1.2021 and only one wound of entry has been found in the post-mortem examination. 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, the petitioner not being named in the F.I.R. and having remained in custody for more than 11 months, the Court directs the petitioner to be enlarged on bail in connection with Bachhwara P.S. Case no.190 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 Chief Judicial Magistrate, Begusarai.

(Partha Sarthy, J)

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