

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23462 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- BALIGAON District- Vaishali

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Ganesh Rai @ Ganeshi Rai, S/O Late Ram Varan Rai R/O Village- Khoajpur,
Basti, P.S.- Baligaon, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 23718 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- BALIGAON District- Vaishali

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Umesh Rai, S/O Late Ram Varan Rai R/O Village- Khoajpur, Basti, P.S.-
Baligaon, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 23462 of 2022)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Ram Naresh Ray

(In CRIMINAL MISCELLANEOUS No. 23718 of 2022)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioners and learned
APP for the State in both the applications.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
307, 302, 120(B) of the Indian Penal Code and Section 27 of the
Arms Act.



The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that his brother Ranjeet Prasad Yadav (deceased) was shot and during course of treatment, the deceased informed the informant that the petitioners along with other named accused persons in the F.I.R. as well as 2-3 unknown persons fired at him.

The learned counsel for the petitioners submits that petitioners have been falsely implicated for reasons best known to the informant. It is next submitted that the date of occurrence is 10.01.2022 and if the petitioners were shot leading to his hospitalization, then why police was not called by the hospital for getting the statement of the deceased recorded. It is next submitted that it absolutely does not stand to reason that when the informant, who was in Assam came back home on hearing the noise on 11.01.2022 and on the same day, the informant disclosed the alleged fact to him then why on the same day, the informant did not institute an F.I.R. It is next submitted that the informant very wisely by way of after thought has implicated the petitioners, knowing very well that if the F.I.R. would have been instituted while the deceased was alive, perhaps then the false implication of the petitioners would not have been



possible. It is next submitted that admittedly, the informant is not an eye witness, nor during course of investigation also any eye witness has come forward. It is next submitted that during course of investigation, the statement of Naresh Rai was recorded, who was accompanying the deceased when the occurrence took place and he has very categorically stated that he had seen the occurrence, but had not identified any of the accused persons. It is next submitted that petitioners are co-villager of the deceased, informant and Naresh Rai, as such, if petitioners would have participated in the occurrence, then definitely Naresh Rai would have named them. The learned counsel submits that the F.I.R. was instituted on 16.01.2022 when admittedly, the informant came to know about the occurrence on 11.01.2022, as such, the delay in instituting the F.I.R. also cast aspersion and suspension on the conduct of the informant.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Baligaon P. S. Case No.09 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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