

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22732 of 2022

Arising Out of PS. Case No.-143 Year-2004 Thana- GHORASAHAN District- East
Champaran

=====

SURESH RAI S/o Rajendra Rai @ Rajendra Ray R/o village- Dhumnagar,
P.S.- Ghorasahan, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 03-08-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused persons are said to have fired on Ram Nath Prasad which missed him but his five year old daughter sustained gun shot injury and succumbed to her injury.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 21.10.2021 (Annexure-2). It is submitted that



the case of the petitioner stands on a similar footing to that of co-accused Ram Bilas Rai and Ramesh Rai, both of whom were enlarged on bail vide order dated 14.8.2006 passed in Cr. Misc. no. 17961 of 2006 and order dated 4.11.2015 passed in Cr. Misc. no. 31138 of 2015 respectively. It is submitted that Ram Nath Prasad on whom the accused persons are said to have fired and who also happens to be the father of the deceased was examined as a prosecution witness and has not supported the prosecution case. The petitioner is in custody since 9.11.2020 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State who submits that in a case of year 2004 the petitioner continued to abscond thus the delay in the trial.

Having heard learned counsel for the parties and taking into consideration the petitioner being in custody since 9.11.2020, grant of bail to the above named co-accused and father of the deceased not having supported the allegation against the petitioner in the trial, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 911 of 2006 (arising out of Ghorasahan P.S. Case no. 143 of 2004) 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 Additional Sessions Judge XVI, East Champaran at
Motihari subject to following conditions:

(I) The father of the petitioner shall be one of the
bailors of the petitioner, and,

(II) The petitioner shall remain physically present in
court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

