

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25173 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- SAHPUR District- Patna

Pappu Rai, Son of Sri Rajeshwar Rai Resident of village - Sikandarpur (Nitish Ke Aahar), P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Shahpur P.S. Case No.122 of 2021 instituted under Sections 147,148,323,307,326 of the Indian Penal Code and under Section 27 of the Arms Act.

The allegation in the FIR is that on 29.03.2021, accused Baban Rai came to the house of the informant and told his aunt that her daughter has been seen with some other person. This narration led to scuffle between the two parties and it is alleged that the accused persons resorted to firing in which while the informant got firearm injuries, one Sujeet succumbed



to the said injuries in course of treatment.

Learned counsel for the petitioner submits that there has been fight between both the parties and the cases were lodged on both sides. He further submits that so far as petitioner is concerned, omnibus allegation is there in the FIR and no specific role has been assigned to him. He submits that he is in custody since 09.01.2022 (as stated in para-23 of the bail application). He lastly submits that he has clean antecedent.

Taking into account the aforesaid fact that omnibus allegation of firing has been made against the accused persons, the petitioner is in custody since 09.01.2022, charge-sheet stands submitted and he has clean antecedent (as reflects from para-3 of the bail application), this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Shahpur P.S. Case No.122 of 2021 to the satisfaction of learned A.C.J.M., Ist, Danapur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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