

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34753 of 2021**

Arising Out of PS. Case No.-14 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

DIPU RAI @ DEEPAK KUMAR RAI @ DIPU RAY S/O HARENDRA RAI
@ HARENDRA RAY R/O VILLAGE-BASANTPUR, P.S-BASANTPUR,
DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67950 of 2021

Arising Out of PS. Case No.-14 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

VIKASH KUMAR @ VIKASH SINGH Son of Krishna Singh Resident of
Village - Siristapur, P.s.- Janta Bazar, Distt.- Chhapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34753 of 2021)

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mrs. Anita Kumari

(In CRIMINAL MISCELLANEOUS No. 67950 of 2021)

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

5 25-04-2022 Heard the parties.

Since both the bail applications arise out of same
Bhagwanpur Hat PS Case No. 14 / 2021 as such both the



applications were taken up together and are being disposed of by this common order.

Petitioners seek regular bail in connection with Bhagwanpur Hat PS Case No. 14 / 2021 registered under Section 302 / 34 of the IPC and Section 27 of the Arms Act.

As per the First Information Report while the son of the informant was coming back to home on his motorcycle, he was shot dead by the unknown criminals and dead body was thrown in the nearby *chawar* (pond).

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of information provided by Spy during the course of investigation and only confessional statement of the petitioner Dipu Rai was recorded in which he has stated that Dharmendra Kumar as well as petitioner / Dipu Rai fired one bullet each on the deceased. He further submits that even if confessional statement of the petitioner- Dipu Rai is taken on its face value for the sake of argument, it would be evident that two shots were fired upon the deceased i.e. one by Dharmendra Kumar and one by Dipu Rai i.e. the petitioner in Cr. Misc. 34753 / 2021 but the post mortem report reveals only one gun shot injury . He next submits that that except confessional statement of the



petitioner- Dipu Rai no other corresponding evidence has come against the petitioner in course of investigation.

Insofar as the case of the petitioner- Vikash Kumar in Cr. Misc. No. 67950 / 2021 is concerned, even in the confessional statement no overt act has been alleged against him. The petitioners are in custody since 16.02.2021 and 10.05.2021 respectively and the petitioner- Vikash Kumar has been remanded in this case from another case on 10.05.2021.

Regard being had to the submissions made by the parties and taking into consideration the material available on record, the fact that petitioners are in custody since 16/02/2021 and 10/05/2021, charge sheet has already been submitted and except confessional statement of the petitioner / Dipu Rai no other material has come against them, as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Siwan / Additional Sessions Judge-V, Siwan / court concerned in connection with Bhagwanpur Hat PS Case No. 14 / 2021 on the following conditions-

(a) that the petitioners shall remain present on



each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioners, their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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