

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27327 of 2022

Arising Out of PS. Case No.-864 Year-2021 Thana- DANAPUR District- Patna

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Sudhir Rai @ Sudhir Kumar @ Shailesh Kumar Dhiraj Son of Suresh Rai @
Suresh Kumar Singh Resident of village - Sultanpur, P.S. - Danapur, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S. Azeem, Advocate.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP.

For the Informant : Mr. Shatish Chandra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. S. Azeem, learned counsel for the
petitioner, Mr. Shatish Chandra, learned counsel for the
informant as well as learned Additional Public Prosecutor for
the State.



The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Danapur P. S. Case No. 864 of 2021 registered for the offences punishable under Sections 302, 120 (B) read with 34 of the Indian Penal Code and Sections 27 of the Arms Act with 25 (9) of the Arms (Amendment) Act, 2019.

The prosecution case is based on a written report alleging therein that on 29/30.11.2021, the daughter of the informant had gone to attend a marriage ceremony of her relative, where she was shot and thereafter, she was taken to hospital, however, during the course of treatment, she died.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation of firing against all the F.I.R. named accused persons including this petitioner, however, this is not the case of the prosecution that the firing made by the petitioner resulting into the death of the deceased. It is further submitted that even during the course of investigation and from the video footage, no material has come that he was making firing, except the fact that he was holding a gun in his hand. It is next submitted that the petitioner is an ex-army man and holding licence of rifle and pistol. It is also submitted that this petitioner is in custody since 01.12.2021,



though after completion of the investigation, the charge-sheet has been submitted and the petitioner is ready to give undertaking that he will remain present on each and every date of trial.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the petitioner was found present along with his gun from which firing was taken place. It is next submitted that firing caused by the petitioner and others resulted into death of an innocent lady, who was only present there to attend the marriage ceremony and because of the negligent act of the petitioner she was shot dead. It is also submitted that this petitioner is carrying multiple criminal antecedent. It is next submitted that during the course of investigation, it has come that the petitioner was seen while he was holding a gun.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as also the fact that the alleged firing was celebratory firing leading to unfortunate death of a lady and moreover, this petitioner had not even seen that he was making firing and moreover, he is in



custody since 01.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate/Appropriate Court, Danapur in connection with Danapur P. S. Case No. 864 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall



take step for cancelling of bail bond of the
petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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