

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37088 of 2021

Arising Out of PS. Case No.-753 Year-2020 Thana- ARA NAWADA District- Bhojpur

SUMAN @ SUMAN KUMAR @ SUMAN RAI @ SUMAN KUMAR RAI
Son of Umesh Rai Resident of Village - Belaur, P.s.- Udwant Nagar, Distt.-
Bhojpur. At Present R/o Mohalla - Jagdeo nagar Ara , P.S.- Ara Nawada,
Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Awadhesh Kumar Pandey, Adv.
For the Informant	:	Mr. Madanjeet Kumar, Adv.
For the State	:	Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-04-2022 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner, Mr. Madanjeet Kumar, learned
counsel appearing for the informant and Mr. Akbar Ali, learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Ara
Nawada P.S. Case No. 753 of 2020 registered for the offences
punishable under Sections 302, 307, 120B of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that while the informant and his son were going towards the
market, they saw that his another son Upendra Kumar Singh
@Mithun Singh and his friend Prince Bajrangi were talking, and
in the meanwhile, some miscreants arrived at the place of
occurrence, and opened fire upon his son Mithun Singh and his
friend Prince Bajrangi, due to which, the son of the informant
succumbed to the injury and his friend Prince Bajrangi was



taken to the hospital. The occurrence is said to have taken place on 27.9.2020.

Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story and as an after thought inasmuch as admittedly, the occurrence had taken place on 27.9.2020 at about 4:30 PM, the inquest report was prepared on 27.9.2020 at about 6:00 PM and the postmortem was held on 27.9.2020 itself at 7:30 PM in the evening. Learned counsel further submits that the First Information Report has been lodged by the informant based upon his written statement on 28.9.2020 at about 4:00 PM in the afternoon, i.e. after preparation of inquest report and postmortem report, in which, the petitioner has falsely been implicated due to land dispute with one FIR named accused, Deepak Kumar who had allegedly threatened the deceased son of the informant of dire consequences.

Learned counsel next submits that the co-accused persons, namely, Chandan Kumar Rai @ Chandan Rai vide Cr. Misc. No. 30461/2021 and Vitu Kumar Ray @ Bittu Kumar Rai @ Bittu Kumar vide Cr. Misc. No. 51080/2021 have been granted bail by this Court.

On the other hand, learned counsel for the informant



and State vehemently opposed the prayer for bail and referring to the case diary submit that in paragraph-57 of the case diary, the injured, Prince Bajrangi has stated that he identified the petitioner along with two other accused persons who were fleeing on foot after committing the offence.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the present FIR has been lodged after preparation of inquest report and the postmortem report and the co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, SUMAN @ SUMAN KUMAR @ SUMAN RAI @ SUMAN KUMAR RAI, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara (Bhojpur) in connection with Ara Nawada P.S. Case No. 753 of 2020 subject to the condition that both the parties shall participate in the trial.

(Anil Kumar Sinha, J)

perwez

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

