

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38882 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- GOPALPUR District- Gopalganj

RAJU RAI S/O SURENDRA RAI R/O VILLAGE-TARA NARAHAWAN,
P.S-GOPALPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Bajendra Nath Pandey, APP
For the Informant :	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, six accused persons came on two motorcycles, one of the motorcycles being driven by this petitioner. It is further stated that on the orders given by one Akhilesh Rai and the petitioner herein that the informant and others should be killed, the accused Guddu Rai, Pappu Rai, Dhananjay Rai and Jai Prakash Yadav started to fire indiscriminately as a result of which the father of the informant and the informant's father's friend died.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. Even accepting the allegations in the FIR for the sake of argument, no overt act is alleged against this petitioner who is said to be an order giver. He is in custody since 29.11.2020 and chargesheet has been submitted in the case. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation against him of having actively participated and of having instigated the other accused persons as a result of which in the firing two persons were killed. The postmortem report mentions multiple firearm injury. The learned trial court in his order rejecting the application for bail of the petitioner has referred to a number of paragraphs to the case diary and stated that the witnesses have supported the prosecution case.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR wherein the petitioner is described as an order giver, the petitioner having



remained in custody for over 1 year and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Gopalpur P.S. Case no. 275 of 2020 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 Chief Judicial Magistrate, Gopalganj.

It is directed that the petitioner shall cooperate in the case/trial and in case the learned court below is of the opinion that the case/trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court will be at liberty to cancel the bail bond of the petitioner and to take him into custody till conclusion of his trial.

(Partha Sarthy, J)

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