

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41341 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- MADHAURAH District- Saran

SHATRUDHAN RAY @ SATROHAN RAI Son of Late Raghunath Rai
Resident of Village - Awari Purab Tola, Police Station - Marhowrah, District -
Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Singh, Advocate.
For the State	:	Mr.Yogendra Kumar Singh, Advocate.
For the Informant	:	Mr. Tej Pratap Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Marhowrah P.S. Case No. 115 of 2020 for the offence
punishable under Sections 302/120B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 23.02.2020 at
about 08:00 AM, the informant along with his son Arjun Singh
were going to their grocery shop at Marhowrah Bazar by
motorcycle and when they reached near Pakahan Railway
crossing, the petitioner along with other accused persons
intercepted them and on the order of co-accused Shivji Thakur,



Sanjay Kumar Singh @ Tunna Thakur fired upon his son who died on the spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case merely on suspicion. He submits that there is not even minuscule evidence against the petitioner that he was the conspirator from the CDR report to substantiate the said allegation. Petitioner is in custody since 01.04.2021 and as such he be released on bail. Vikesh Singh, Sonu Kumar Singh and Vijay Kumar Singh who are named in the F.I.R. have already been released on bail by the co-ordinate Benches of this Court, vide orders dated 21.10.2020, 03.11.2021 and 08.12.2021 passed in Cr. Misc. Nos. 27035 of 2020, 44951 of 2021 and 35308 of 2021 respectively.

Shri Tej Pratap Singh, learned counsel appearing on behalf of the informant has vehemently opposed the prayer for bail. He has taken this Court to the allegation made in the F.I.R. that the petitioner is the main conspirator and on his information the murder of the deceased was committed by one Sanjay Kumar Singh @ Tunna Thakur. The independent witnesses have supported the allegation as it would appear from Paragraph Nos. 97, 98, 99 and 105 of the case diary as well as CDR report that



the petitioner was informing to the main assailant about the detail movement of the deceased. The petitioner has played active role in murder of the deceased along with other co-accused, as such his bail application be rejected. Learned APP has supported the submission made by the learned counsel for the informant.

Having heard the rival submissions of the parties as well as the allegation made in the F.I.R. and perused the case diary. It appears that the petitioner was not present at the place of occurrence. There is direct allegation against co-accused Sanjay Kumar Singh @ Tunna Thakur to have fired upon the deceased Arjun Singh who died on the spot. So far as the CDR report is concerned, it is not established by any corroborative evidence or by any independent witness. There is no eye witness. Some of the co-accused have already been granted bail by the co-ordinate Benches of this Court. The petitioner has made out a case to be released on bail.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM,



Chapra in connection with Marhowrah P.S. Case No. 115 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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