

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41738 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- RAHUI District- Nalanda

SHASHIKANT PRASAD S/O LATE RAM BABU PRASAD R/o village-
Saidali, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Md. Nazir Ansari, APP
For the Informant	:	Mr. Prashant Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Md. Nazir Ansari as also the learned counsel for the informant, Sri Prashant Sinha.

The petitioner seeks regular bail in connection with Rahui P.S. Case No. 239/2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 302 of the Indian Penal Code and Section 27 of the Arms Act.



The case of the prosecution in brief is that 12 persons named in the FIR including the petitioner herein had reached at the door of the cousin brother of the informant, whereafter the accused persons had started abusing the cousin brother of the informant, however, upon being confronted by his family members the accused persons had fled away. It is further alleged that the said accused persons including the petitioner herein had then arrived at the door of the house of another brother of the informant and then, had started abusing the brother of the informant, whereafter upon being exhorted by the co-accused persons, namely, Sunil Prasad, one co-accused person, namely, Dayanand Yadav, had shot fire on the head of his own brother, namely, Santosh Kumar, resulting in his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 1.3.2021. The learned counsel



for the petitioner has further submitted that as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of overt act. It is also submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 25.3.2021 passed in Criminal Miscellaneous No. 553 of 2021.

The learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a coordinate Bench of this Court as also considering the fact that there is no allegation of any sort of overt act having been engaged in by the petitioner herein, I deem it fit



and proper to direct for release of the petitioner
on regular bail.

Accordingly, the above named petitioner is
directed to be enlarged on bail on furnishing bail
bonds of Rs. 10,000/- (rupees ten thousand) with
two sureties of the like amount each to the
satisfaction of learned Additional Chief Judicial
Magistrate II, Nalanda in connection with Rahui P.S.
Case No. 239/2020.

(Mohit Kumar Shah, J)

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