

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43068 of 2021**

Arising Out of PS. Case No.-408 Year-2020 Thana- KOILWAR District- Bhojpur

SHANI RAI @ SHANI KUMAR @ SUNNY KUMAR, S/o Krishna Rai R/o
village- Durjanchak, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 08-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 12.02.2021,
seeks regular bail in connection with Koilwar P.S. Case No. 408
of 2020, for the offence punishable under Sections 147, 148,
149, 341, 323, 307, 302, 427, 379, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 28.09.2020,
while the informant along with Siya Ram Rai (deceased) was
sitting at community hall of the village, the F.I.R. named
accused persons, including the petitioner, came there and started
abusing and assaulting informant and on protest, all of them



assaulted and injured the informant. It is further alleged that co-accused persons made indiscriminate firing, as a result of which, several persons from the informant side got injured and one person, namely, Siya Ram Rai died during the course of treatment.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that there is no allegation of firing against the petitioner and he is only alleged to be the member of the mob. The petitioner has no criminal antecedent. He further submits that petitioner is not the main accused rather, six other persons who had assaulted with fire arm, which caused death of Siya Ram Rai. He further submits that similarly situated co-accused, namely, Ramesh Rai @ Ramesh Kumar has already been released on bail by a co-ordinate Bench of this Court on 14.09.2021 passed in Criminal Miscellaneous No. 35728 of 2021.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case and the rival submissions, let the petitioner, above



named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 408 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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