

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46626 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champaran

SUBANSH RAI Son of Late Imrit Rai Resident of village - Regania, P.S.
Jitna, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54461 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champaran

RAJU RAI S/o Late Kapildeo Rai R/o village- Yadav Tola Kadamwa, P.S.-
Ghorasahan, Distt.- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56088 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- GHORASAHAN District- East
Champaran

SOMESHWAR RAI @ SOMESHWAR KUMAR S/O LALBABU RAI R/O
VILL. LALUA P.S. GHORASAHAN DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46626 of 2021)

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 54461 of 2021)

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr. A.P.P.

(In CRIMINAL MISCELLANEOUS No. 56088 of 2021)

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr.A.P.P.



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-03-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Ghorasahan P.S. Case No. 41 of 2021 registered for the offence under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with others are alleged to have killed the son of the informant and subsequently, they have also killed the nephew of the informant.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that the allegation of firing upon the son of the informant is attributed to one Rajeshwar Rai and there is general and omnibus allegation against the petitioners. He further submits that petitioners are said to be the member of unlawful assembly only but they have not been instrumental in the alleged occurrence. He further submits that there is land dispute between the parties and on account of that the petitioners have been made accused in



this case. The petitioners, namely, Subansh Rai, Raju Rai and Someshwar Rai @ Someshwar Kumar, are rotting in judicial custody since 05.04.2021, 30.01.2021 and 17.02.2021 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, Subansh Rai and Raju Rai bear clean antecedent whereas the petitioner, Someshwar Rai @ Someshwar Kumar carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 41 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.



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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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