

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47737 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- BACHHWARA District- Begusarai

1. DEORAJ RAI @ DEVILAL RAI S/o SHYAM SUNDAR YADAV R/o VILLAGE-BAJRANGI CHAK, P.S-VIDYAPATI NAGAR, DISTRICT-SAMASTIPUR.
2. BIBHISAN RAI S/o LATE SUBEDAR RAI R/o VILLAGE-NEAR CHAMTHA BADKHUTA HOSPITAL, P.S-BACHHWADA, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-02-2022 Heard learned counsel for the parties.

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

As per the prosecution case, the four named accused persons as also 4-5 unknown persons are stated to have come variously armed and resorted to firing leading to death of Munni Devi and injuries to others.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the F.I.R. As per allegation in the F.I.R., there is specific allegation of firing against Bijay



Rai, Pankaj Rai, Anil Rai and Laxman Rai. It is stated that Laxman Rai and Bijay Rai fired resulting in death of Munni Devi on the spot. As a result of firing by Anil Rai, Shiv Kumar Raut sustained gun shot injuries in his leg. Some cows also sustained gun shot injuries. The accused persons lit the house of the informant on fire and escaped. It is further submitted that the name of the petitioners transpired in the confessional statement of co-accused Laxman Rai made before police. The said Laxman Rai is of inimical term with the petitioners herein. The petitioners are in custody since 17.3.2021 and the case of the petitioners stands on a similar footing to that of co-accused Bijay Rai who has been enlarged on bail vide order dated 3.1.2022 passed in Cr. Misc. no.27183 of 2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the petitioners not being named in the F.I.R., the allegations of overt act being specific on the F.I.R. named co-accused, grant of bail to the co-accused Bijay Rai and the petitioners having remained in custody for more than 11 months, the Court directs the two petitioners to be enlarged on bail in connection with Bachhwara P.S. Case no.190 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai.

(Partha Sarthy, J)

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