

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50405 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- JURAWANPUR District- Vaishali

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Ashok Rai Son of Late Asharphi Rai Resident of Village- Paharpur, P.S.-
Jurawanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ajay Kumar, Advocate
For the Opposite Party/s :	Mr. Navin Kumar Pandey, APP
For the Informant	Mr. Shankar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Jurawanpur P.S.Case No. 121 of 2020 for
the offences punishable under Sections 147, 148, 149, 341,
323, 307, 504 and 506 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
27.10.2020, when the informant had gone to the house of
Rampavitra Rai and made demand of his due amount of Rs.



50,000/- he was assaulted by Sarvesh Kumar and on the order of Rampavitra Rai, the petitioner herein opened fire on Gona Rai and all the accused persons fired on the informant and other members.

Learned counsel appearing on behalf of the petitioner submits that there is a case and counter case on account of land dispute between the parties. A free fight has taken place between both the sides wherein the members of both the sides have resorted to firing which resultant into injuries to the members of both the sides. However, the prosecution failed to explain the injuries sustained to the members of the prosecution party. It is next submitted that injured Gona Rai was examined by the doctor and the injury has been found to be simple in nature. It is next submitted that petitioner is having fair antecedent and is in custody since 08.02.2021. Moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that there is specific allegation that the petitioner shot fire



upon Gona Rai over his shoulder and both the sides resorted to firing and assaulted each other.

Having heard the rival contentions of the parties and taking into consideration the fact that there is case and counter case between the parties and firing has been resorted by members of both the sides which resultant into injuries to the members of both the sides and moreover, injuries have been found simple in nature and petitioner is in custody since 08.02.2021 having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Hajipur, Vaishali in connection with Jurawanpur P.S.Case No. 120 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

N.K/-

(Harish Kumar, J.)

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